

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFREY E BAASE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 18A-UI-03541-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/31/17
Claimant: Appellant (4)**

Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits
Iowa Code § 96.6(1) – Filing Claims

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 8, 2018, (reference 04) unemployment insurance decision that denied retroactive benefits. The claimant was properly notified about the hearing. A telephone hearing was held on April 11, 2018. The claimant participated personally. Kelsey Baase, wife of claimant, also testified. Claimant Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the three-week period ending February 24, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective December 31, 2017. He successfully filed continued claims until February 3, 2018. The administrative records do not reflect that he filed continued claims by online web application for the three-week period ending February 24, 2018.

The claimant had no details available related to filing a claim for the week ending February 19, 2018. On February 23, 2018, claimant attempted to file a weekly continued claim for the one week ending February 17, 2018. Because the claimant did not file his weekly continued claim for the prior week, his claim closed and he was unable to file the claim for the one week ending February 17, 2018. The claimant waited until Friday, February 23, 2018 to attempt to file his weekly continued claim for the week ending February 17, 2018. He did not see the weekly continued claim go through, but "assumed it would go through." The claimant did not follow up with IWD immediately and waited until February 28, 2018, before making contact.

On February 28, 2018, he contacted IWD and was advised by a female representative that she would submit his missing weeks. She did not submit them or a request on behalf of the

claimant for consideration of retroactive benefits. When the claimant recognized the issue, he again contacted the Iowa Workforce Development (IWD) on March 7, 2018, and was assisted.

The claimant did not earn any wages or receive any vacation or holiday pay during the three-week period ending February 24, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is granted in part and denied in part.

Iowa Code section 96.6(1) provides:

96.6 Filing — determination — appeal.

1. *Filing.* Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

The December 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

Reactivating a Claim

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week they want to start collecting benefits again. Any employment during the break must be reported.

The December 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- Are currently unemployed or working reduced hours
- Are able to work and available for work
- Have not refused any job offers or referrals to a job
- Are actively looking for work (unless waived)
- Are reporting any pay or pension payment

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of benefits.

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

Elsewhere in the December 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

The administrative law judge would note that the new April 2018 version of the *Unemployment Insurance Benefits Handbook* has added new language, including:

If any weekly claim filing is missed during the claim year, an individual must file an initial claim application to reactivate their claim. This would apply even if one week is not filed timely.

This version of the handbook was not available at the time of the claimant's request for retroactive benefits.

In order to be eligible for weekly benefits, the claimant must file an online web application continued claim or show good cause for the failure to do so to support a request for retroactive benefits. Iowa Admin. Code r. 871-24.2(1)g. Good cause involves circumstances beyond the

claimant's control that prevent a claimant from filing a prompt and proper claim. Accordingly, the claimant's request for retroactive benefits is denied.

The credible evidence presented does not support the claimant filing or making attempts to file his weekly continued claim for the week ending February 10, 2018. The claimant had no available details about the filing the claim for the week, or confirmation of a successful claim. Therefore, the administrative law judge concludes the claimant has failed to establish a good cause reason for failing to file his continued weekly claim for the one week ending February 10, 2018. The claimant then delayed filing his weekly continued claim for the week ending February 17, 2018 to the final day to file, February 23, 2018. The claimant was unable to because the claim closed after one week of failing to file a continued weekly claim. Although the Unemployment Insurance Handbook addresses reactivating a claim, it does not clearly state that a claim will close after only one week of failing to file a continued weekly claim. Even if it did, it would have been technically impossible for claimant to reopen the claim in order to file a continued weekly claim for the week ending February 17, 2018. There is nothing claimant could have done to prevent the second missed weekly claim filing. However, the claimant knew his claim had not been successful on February 23, 2018, but did not make any contact with Iowa Workforce Development for several days. The administrative law judge is persuaded the claimant knew or should have known his weekly continued claim did not go through on February 23, 2018 and did not make reasonable efforts to timely resolve the issue by this delay. Therefore, the administrative law judge concludes the claimant has failed to establish good cause for his failure to file his weekly continued claim for the week ending February 17, 2018.

The claimant did make a good faith effort to first address his weekly continued claims on February 28, 2018 when he contacted IWD and was told incorrectly that the representative would fill out or complete his missing weeks of continued claims. The claimant contacted IWD during the prescribed period to make his weekly continued claim for the week ending February 24, 2018, and reasonably relied upon the incorrect guidance from the IWD representative. As a result, he failed to personally file his weekly continued claim for the week ending February 24, 2018. Accordingly, the administrative law judge concludes the claimant has established a good cause reason for his delay in filing a weekly continued claim for the week ending February 24, 2018 only.

Based on the evidence presented, the claimant has shown a good cause reason for failing to file his weekly continued claim for the one week ending February 24, 2018. Therefore, the claimant's request for retroactive benefits for the one week ending February 24, 2018, is allowed, provided the claimant is otherwise eligible.

DECISION:

The March 8, 2018, (reference 04) unemployment insurance decision is modified in favor of claimant/appellant. The claimant's request for retroactive benefits is granted for the one week ending February 24, 2018, provided he is otherwise eligible. The claimant's request for retroactive benefits for the two week period ending February 17, 2018 is denied.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn