

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAULA HENKLE
Claimant

APPEAL 18A-UI-07315-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/10/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 3, 2018, (reference 02) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for July 23, 2018. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending June 30, 2018?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective June 10, 2018. She did not file a continued claim by online web application for the one-week period ending June 16, 2018, as she was still employed the week of June 10 and did not realize she had opened her claim for benefits a week early. Claimant testified sometime over the weekend of June 23, she received a letter informing her that her claim for benefits had been denied, as she lacked sufficient wages. According to claimant she contacted Iowa Workforce Development on June 25, 2018 to ask about the letter, and spoke to Ruby Rodriguez. This is not consistent with the administrative record, which shows claimant spoke to Rodriguez on June 19. When claimant spoke to Rodriguez it was discovered that the employer had entered her social security number incorrectly, which had resulted in claimant's wages not showing up in the IWD records. Rodriguez said she would pass the information along to the appropriate individuals at IWD. Rodriguez also advised claimant that her claim was currently inactive, but she would reactivate it for her. Rodriguez told claimant she did not need to do anything with her claim the remainder of the week, but would need to file her continued weekly claim the following Sunday. Claimant testified she did not end up filing her weekly continued claim because on July 3 she received a letter denying a recalculation of benefits due to a business closure. Claimant believed this letter was again denying her benefits. Claimant testified, for both weeks, she did not believe she could file a weekly continued claim because her claim had been denied. Claimant spoke to an IWD representative once again the week of July 1 and was advised that she could and should

be filing continued weekly claims. Claimant was able to successfully reopen her claim for benefits and file her weekly continued claim beginning that week. Claimant testified she did read the Unemployment Insurance Benefits Handbook and the backs of the unemployment insurance decisions, but did not understand the directive that she should continue filing weekly claims.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.6(1) provides:

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

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.

During the week in which the unemployment occurs, the claimant should open an umbrella-like "original claim" (OC) by the close of business on Friday to establish the general claim for unemployment insurance benefits. In addition, for each week the claimant remains unemployed, they must file a "weekly continued claim" (WCC) to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. That must be done sometime between Sunday and Friday of the following week (see chart below). If a claimant does not file a WCC for one week for any reason and becomes unemployed again, the process must start over by reopening the OC no later than Friday, and filing weekly continued claim sometime between the following Sunday through Friday. No filing of any kind may be done on any Saturday.

The April 2018, 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.

IMPORTANT: If an individual waits until after the calendar week has ended on Saturday to file a UI claim, the individual will not be eligible to be paid for the prior week.

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 he/she wants to start collecting benefits again. Any employment during the break must be reported. 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 1 week is not filed timely. Refer to the instructions on page 19 of this handbook "Filing Weekly Claim".

The April 2018, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 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. Payment will not be made for any weeks that are not filed timely. If a weekly claim filing is missed for one or more weeks, a new initial claim application must be filed. It is your responsibility to check the status of your claim during the week to ensure the prior week has been recorded.

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 April 2018, 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 Unemployment Insurance Benefits Handbook provides clear instructions that claimants must file a weekly claim even if your eligibility is being decided or an appeal is pending. It also warns claimants that payment will not be made for any weeks that are not filed timely. These instructions are also summarized on the back of all IWD decisions related to benefits eligibility. Claimant was also advised by an IWD representative that she needed to file her weekly continued claim the Sunday following their conversation, but she failed to do so. Claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook, the back of the unemployment insurance decision, or those given to her by the IWD representative regarding continuing to file claims while the claim is pending or during the appeal process is not considered a good reason for having failed to file weekly online web application continued claims. Retroactive benefits are denied.

Claimant is urged to review information in the Unemployment Insurance Benefits Handbook at: https://www.iowaworkforcedevelopment.gov/sites/search.iowaworkforcedevelopment.gov/files/documents/2018/2018-Claimant-Handbook_0.pdf

DECISION:

The July 3, 2018, (reference 02) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs