

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ELLEN A JAEGER**  
Claimant

**APPEAL 17A-UI-10101-NM-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/06/17  
Claimant: Appellant (2)**

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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 September 26, 2017, (reference 01) unemployment insurance decision that denied her request for retroactive benefits. The parties were properly notified of the hearing. A telephone hearing was held on October 19, 2017. The claimant participated and testified.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the one-week period ending September 2, 2017?

**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 August 6, 2017 and an additional claim on September 10, 2017. Claimant was able to successfully file a claim for benefits for the week of August 6 while she was on temporary layoff. Claimant went back to work the following week, but was temporarily laid off again for the week beginning August 27, 2017. Claimant attempted to file weekly online web application continued claims for the week ending September 2, 2017 and believed she was successful in doing so after she received a confirmation number. Claimant did not realize there was an issue until she did not receive payment for the week. On September 15, 2017, claimant contacted Iowa Workforce Development to ask why she had not received payment. It was explained to claimant that, because she did not file a claim for two consecutive weeks, she would have had to reactivate her claim for the week ending September 2 in order to receive benefits.

**REASONING AND CONCLUSIONS OF LAW:**

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

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.

The October 2016, and June 2017, versions 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.

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#### **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.

The October 2016, and June 2017, versions 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](http://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

##### **When to File**

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay benefits. <https://uiclaims.iwd.iowa.gov/weeklyclaims/><sup>1</sup>

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<sup>1</sup> The link was added in the June 2017, handbook and leads to information about a required PIN.

**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 June 17, 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: Monday through Friday, 8:00 am to 4:30 pm  
[www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov)  
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

**Weekly Claim Reporting**

Hours: Saturday 9:00 am through Sunday 11:30 pm  
[www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov)

Claimant filed her weekly claim following her first week of layoff, the week ending August 12, 2017, without issue. Claimant then went back to work for two weeks, but was temporarily laid off again the week beginning August 27, 2017. Claimant went online, just as she had done the first time, and filed her weekly claim for benefits on September 2, 2017. She received a confirmation number and assumed everything was done correctly. Claimant did not learn that her two week break in reporting necessitated her to reactive her claim prior to receiving benefits, until she was told this by an Iowa Workforce Development employee on September 15, 2017. Note that the instruction to file weekly continued claims appears four pages later in the Handbook than the initial and reactivation claim filing instructions, *after* information about the fact-finding interview and appeal process. This chronology is reasonably confusing. Claimant's confusion is reasonable and retroactive benefits are granted for the one-week period ending September 2, 2017, provided she is otherwise eligible. Claimant is urged to review the information in the Unemployment Insurance Benefits Handbook.

**DECISION:**

The September 26, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request for retroactive benefits for the one-week period ending September 2, 2017 is granted.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/scn