SUSAN DIMEZZA Claimant **IOWA WORKFORCE DEVELOPMENT** **DEPARTMENT**	**APPEAL 18A-UI-02997-H2T** **ADMINISTRATIVE LAW JUDGE** **DECISION** **OC: 01/28/18** **Claimant: Appellant (4)**

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 March 5, 2018, (reference 04), unemployment insurance decision that denied claimant's request for retroactive benefits. After due notice was issued, a telephone conference hearing was held on March 20, 2018. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending February 10, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective January 28, 2018. She did not file continued claims by online web application for the two-week period ending February 10, 2018. Claimant did not file her continued weekly claim for the one week ending February 3, 2018 because she mistakenly assumed she would not be eligible for benefits because she had received a type of compensation package from her former employer. The claimant did not check with anyone at Iowa Workforce Development (IWD) to see if her assumption was correct. The deadline to file a claim for that week was Friday, February 9, 2018, at 5:30 p.m. On February 11, 2017, claimant attempted to file a weekly continued claim for the one week ending February 10, 2018. Because claimant did not file her weekly continued claim for one week, her claim closed and she was unable to file the claim for the one week ending February 10, 2018. When claimant recognized the issue, she contacted the IWD and was assisted in reopening the claim.

Claimant did not earn any wages or receive any vacation or holiday pay during the one week ending February 10, 2018. Claimant was aware she was required to file a continued claim for each week she was seeking benefits, but was not aware her claim would close if she missed only one weekly filing.

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.

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 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/

In this case, claimant was aware she needed to file a weekly claim each week she was seeking benefits. Claimant failed to file a weekly continued claim during the one week ending February 3, 2018, because she assumed she would not be eligible due to her receipt of a compensation package from her former employer. This is not a good cause reason for failing to file a weekly claim. However, claimant attempted to timely file her weekly claim the next week. 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 10, 2018. The claim did not close until the deadline to make a weekly claim filing—February 9, 2018, at 5:30 p.m. However, claimant only had until February 9, 2018, at 4:30 p.m. to reopen the claim. In other words, there was no closed claim for claimant to reopen. There is nothing claimant could have done to prevent the second missed weekly claim filing.

Claimant has shown a good cause reason for failing to file her weekly continued claim for the one week ending February 10, 2018. Therefore, claimant's request for retroactive benefits for the one week ending February 10, 2018, is allowed.

DECISION:

The March 5, 2018, (reference 04) unemployment insurance decision is modified in favor of appellant. The claimant's request for retroactive benefits is granted for the one week ending February 10, 2018, and denied for the one week ending February 3, 2018. Claimant did not earn any wages or receive any vacation or holiday pay during the one week ending February 10, 2018.

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Teresa K. Hillary
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

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Decision Dated and Mailed

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