

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SALVADOR F GONZALEZ
Claimant

APPEAL 18A-UI-03921-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/17/17
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 22, 2018, (reference 03) unemployment insurance decision that denied retroactive benefits. The claimant was properly notified about the hearing. A telephone hearing was held on April 23, 2018. The claimant participated. 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 two-week period ending March 17, 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 September 17, 2017. He successfully filed continued claims prior to March 4, 2018. He did not file continued claims by online web application for the two-week period ending March 17, 2018. The claimant did not offer any proof of successful transmission of completing his weekly continued claim for the week ending March 10, 2018, but stated he usually files on Mondays. Because the claimant did not file his weekly continued claim for one week, his claim closed and he was unable to file the claim for the one week ending March 17, 2018. When the claimant recognized the issue, he contacted the Iowa Workforce Development (IWD) and was assisted in reopening the claim.

The claimant did not earn any wages or receive any vacation or holiday pay during the two week period ending March 17, 2018. The claimant is aware that he may have exhausted benefits for this benefit year.

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.

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 1 week is not filed timely.

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

The credible evidence presented does not support the claimant filing or making attempts to file his weekly continued claim for the week ending March 10, 2018. The claimant had no available details about 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 March 10, 2018. However, the claimant attempted to timely file his weekly claim the next week. 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 March 17, 2018. There is nothing claimant could have done to prevent the second missed weekly claim filing.

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 March 17, 2018. Therefore, claimant's request for retroactive benefits for the one week ending March 17, 2018, is allowed, provided the claimant is otherwise eligible.

DECISION:

The March 22, 2018, (reference 03) unemployment insurance decision is modified in favor of claimant/appellant. The claimant's request for retroactive benefits is granted for the one week ending March 17, 2018, and denied for the one week ending March 10, 2018.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn