

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRYAN F BRINKER
Claimant

APPEAL 17A-UI-09614-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/21/17
Claimant: Appellant (2)**

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 13, 2017, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for October 5, 2017. Claimant participated.

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 a claim effective May 21, 2017, with a reopened claim on August 27, 2017. Claimant was temporarily laid off during the one week ending September 2, 2017. He did not earn any wages or receive vacation or holiday pay that week. He did not file continued claims via the online web application for the one-week period ending September 2, 2017. He read the confirmation he received after filing the claim. He did not file continued claims by online web application for the one week period ending September 2, 2017, because he was confused with the system indicating the claim was filed and not understanding that he also must file a weekly claim.

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 § 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.

Since the term “claim” is used for both the benefit year claim and the weekly claim, claimant’s confusion is reasonable and retroactive benefits are granted for the one week ending September 2, 2017, provided he is otherwise eligible. Claimant is urged to review the information in the Unemployment Insurance Benefits Handbook.

DECISION:

The September 13, 2017, (reference 01) unemployment insurance decision is reversed. The claimant’s request for retroactive benefits for the one week ending September 2, 2017, is granted. The claimant did not earn wages and did not receive vacation or holiday pay during the one week ending September 2, 2017.

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

Decision Dated and Mailed

cal/scn