

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HUNTER J WALLACE
Claimant

APPEAL 18A-UI-05829-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/10/17
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/appellant filed an appeal from the May 21, 2018 (reference 04) unemployment insurance decision that denied his request for retroactive benefits for the period of April 22, 2018 through April 28, 2018. The claimant was properly notified of the hearing. A telephone hearing was held on June 8, 2018. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the one-week period ending April 28, 2018?

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 September 10, 2017 and an additional claim effective April 22, 2018. He attempted to file his weekly-continued claim online for the period of April 22, 2018 through April 29, 2018 on Friday, May 4, 2018 at approximately 8:00 a.m. However, he did not receive a confirmation that his weekly-continued claim had been properly submitted. Claimant was temporarily laid-off for the one-week period of April 22, 2018 through April 28, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Admin. Code r. 871-24.2(1)g provides:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has completed a continued claim or claimed benefits as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following the Saturday of the weekly reporting period and, unless reasonable cause can be shown for the delay, not later than close of business on the Friday following the weekly reporting period.

(2) An individual claiming benefits using the weekly continued claim system shall personally answer and record such claim on the system unless the individual is disabled and has received prior approval from the department.

(3) The individual shall set forth the following:

1. That the individual continues the claim for benefits;
2. That except as otherwise indicated, during the period covered by the claim, the individual was fully or partially unemployed, earned no gross wages and received no benefits, was able to work and available for work;
3. That the individual indicates the number of employers contacted for work;
4. That the individual knows the law provides penalties for false statements in connection with the claim;
5. That the individual has reported any job offer received during the period covered by the claim;
6. Other information required by the department

For each week the claimant remains totally or partially unemployed, they must file a weekly-continued claim to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. This process in filing a weekly-continued claim must be done sometime between Sunday and Friday of the following week. If a claimant does not file a weekly-continued claim for one week for any reason and becomes unemployed again, the process must start over by reactivating the initial claim no later than Friday at 4:30 p.m.

The April of 2018 *Unemployment Insurance Benefits Handbook*, provides 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. 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.

The April of 2018 *Unemployment Insurance Benefits Handbook*, provides at pages 20 - 21:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at www.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 timely filed. 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.

In the April of 2018 version of the handbook at page 8, contact information includes days and hours for filing an initial claim (including reopening an initial claim) and weekly-continued 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 order to be eligible for weekly benefits, the claimant must file an online weekly-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. Good cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim.

The Unemployment Insurance Benefits Handbook states: "You must file a weekly claim for any week that you want payment[.]" The handbook also informs claimants that they should call IWD customer service for help if they don't understand the information in the handbook. The Unemployment Insurance Benefits Handbook informs claimants on page 20: "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." The handbook further states, "[Y]ou 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."

In this case, the claimant was able to file his weekly-continued claim the morning of May 4, 2018, however, he did not receive a confirmation notice when he attempted to file his weekly-continued claim and failed to repeat the process until the claim had been successfully submitted. Retroactive benefits are denied for the one-week period ending April 28, 2018.

DECISION:

The May 21, 2018 (reference 04) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs