

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JEANNETTE A BEATTY  
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IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-05805-SWT  
OC: 02/27/05 R: 04  
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the *Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.*

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.2(1)g - Retroactive Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 27, 2005, reference 02, that concluded she was ineligible for retroactive benefits for the period from February 27 to May 21, 2005. A telephone hearing was held on June 20, 2005. The claimant participated in the hearing.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits during the week of February 27, 2005. After filing for unemployment insurance benefits, the claimant continued to work for an additional week before the plant was shut down. She was paid wages of over \$250.00 after February 29, 2004.

On February 28, 2004, the claimant contacted her local Workforce Development Center about filing a claim for a second benefit year. The claimant filed the claim but was told by the representative that she could not receive benefits because she had not worked and earned at least \$250.00 since the beginning of her last benefit year. The claimant explained that she had worked during the week after she filed for unemployment insurance benefits, but the representative insisted that could not have been the case.

In reliance on what the representative told her, the claimant did not file weekly claims for benefits from February 27 to May 21, 2005. The claimant, however, was available for work and actively looking for work. She has submitted a list of her job contacts for this period. On May 25, 2005, the claimant was talking to the former secretary for the employer. She discovered that there were other employees receiving benefits under identical circumstances as her situation. At that point, the claimant contacted the local Workforce Development Center and presented proof that she had worked and earned wages of more than \$250.00 since her benefit year started on February 29, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is eligible for unemployment insurance benefits for the weeks between February 27 and May 21, 2005.

871 IAC 24.2(1)g provides:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a voice response continued claim. The biweekly claim for benefit payment shall be mailed not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week immediately following the biweekly reporting period. The weekly voice response continued claim shall be transmitted not earlier than noon of 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.

The claimant has established reasonable cause for her delay in filing her weekly claims. She was given inaccurate information by an Agency representative, which led her to fail to file her weekly claims.

#### DECISION:

The unemployment insurance decision dated May 27, 2005, reference 02, is reversed. The claimant is eligible to receive retroactive benefits for the weeks between February 27 and May 21, 2005.

saw/sc