

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ANTHONY D FELT
Claimant

APPEAL NO. 15A-UI-08990-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/21/14
Claimant: Appellant (2)

871 IAC 24.2(1)(e) & (g) – Retroactive Benefits

STATEMENT OF THE CASE:

Anthony Felt filed a timely appeal from the August 8, 2015, reference 02, decision that denied his request for retroactive benefits for the week that ended July 11, 2015. After due notice was issued, a hearing was held on August 31, 2015. Mr. Felt participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: KCCO, DBRO and WAGEA. The administrative law judge took official notice of the record of the claimant's contact with the Agency on or about July 29, 2015.

ISSUE:

Whether the claimant is eligible for retroactive benefits for the week ending July 11, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Anthony Felt established a claim for benefits that was effective December 21, 2014. On July 6, 2015 Mr. Felt took appropriate steps to establish an additional claim for benefits that was effective July 5, 2015. The additional claim was response to a temporary layoff that started on July 6, 2015. On Saturday, July 11, 2015, Mr. Felt went online and went through the steps to make a weekly claim for benefits for the week ending July 11, 2015. For some reason, the system did not acknowledge Mr. Felt's weekly claim. Mr. Felt did not know that at the time and waited patiently to receive benefits for the week. Mr. Felt returned to work on July 13, 2015. When Mr. Felt did not receive benefits by July 29, 2015, he contacted Workforce Development to inquire about benefits and provided weekly claim information for the week that ended July 11, 2015.

REASONING AND CONCLUSIONS OF LAW:

Iowa Administrative Code section 871 IAC 24.2(1)(e) and (g) provide as follows:

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

24.2(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:

e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

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

An individual claiming benefits using the weekly voice 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.

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 unemployed, earned no 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.

The weight of the evidence indicates that Mr. Felt took reasonable and timely steps in good faith to make a weekly claim for benefits for the week that ended July 11, 2015. For some reason, the Workforce Development computer system did not accept the claim at the time. The administrative cannot rule out a system error. Accordingly, the administrative law judge concluded that Mr. Felt had provided good cause to grant his request for retroactive benefits for the week ending July 11, 2015. Mr. Felt is eligible for benefits for that week, provided he meets all other eligibility requirements.

DECISION:

The August 8, 2015, reference 02, decision is reversed. Good cause exists to grant the claimant's request for retroactive benefits for the week ending July 11, 2015. The claimant is eligible for benefits for that week, provided he meets all other eligibility requirements.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css