

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KRISTEN C MCCASLIN
Claimant

APPEAL 17A-UI-10421-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/19/17
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 October 11, 2017, (reference 02) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for October 26, 2017. The claimant participated personally. The administrative law judge took official notice of the administrative records. 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?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective March 19, 2017, in response to a permanent separation. She then reactivated her claim for the week ending September 23, 2017 upon permanent separation with Des Moines Blue Print. The claimant did not attempt to file a weekly claim for the week ending September 30, 2017, and is not requesting benefits for that week, acknowledging she "spaced it off."

The claimant did read the paper or online version of the Unemployment Insurance Benefits Handbook as instructed when he established his unemployment insurance claim. Instructions for filing a claim are contained in the October 2016, and June 2017, versions of the *Unemployment Insurance Benefits Handbook*, on pages 13- 14 and 19-20, including:

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

When to File

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay benefits. <https://uiclaims.iwd.iowa.gov/weeklyclaims/1>

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.

During the week of September 24 through 30, 2017, the claimant received a letter from Iowa Workforce Development regarding weekly claim filing changes. Under the new guidelines, claimants cannot make their weekly continued claim on Saturdays anymore, and must file on Sunday. The letter advised the changes would be effective for the week ending October 7, 2017. Relying upon the letter she received for guidance, the claimant attempted to file her weekly continued claim on Sunday, October 8, 2017. She received a pop up message stating her claim could not be completed at that time because of four possible scenarios including failure to make a weekly continued claim the prior week, failure to reactivate her claim and two others. Upon receipt of the message, the claimant contacted Iowa Workforce Development on Tuesday, October 10, 2017 (because the claimant thought the offices were closed on Columbus Day, October 9, 2017), to resolve the matter. The claimant is requesting retroactive benefits for the one week period ending October 7, 2017. She did not earn wages, was able and available for work, and did not refuse any work for that week.

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 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.

Effective October 7, 2017, the period to file a weekly continued claim changed, and claimants no longer can file weekly continued claims. Relying upon the letter the claimant received from Iowa Workforce Development, the claimant made a good faith effort to file her weekly continued claim (which was previously reactivated) on Sunday, October 8, 2017. Given the locked claim

¹ The link was added in the June 2017, handbook and leads to information about a required PIN.

message, the claimant's unsuccessful attempts to file continued claims online and resolve the issue by contacting Iowa Workforce Development the next business day are considered good reasons for the delay in filing weekly online web application continued claims. The claimant's request for retroactive benefits for the one week period ending October 7, 2017 is granted.

DECISION:

The October 11, 2017, (reference 02) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted. Retroactive benefits are permitted for the one week ending October 7, 2017, provided the claimant is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn