

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES E SAMFORD
Claimant

APPEAL NO. 14A-UI-12483-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/12/14
Claimant: Appellant (1)**

871 IAC 24.2(1) g – Retroactive Benefits

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 24, 2014, reference 03, which denied claimant's request for retroactive benefits. After due notice, a telephone conference hearing was scheduled for and held on December 29, 2014. Claimant participated personally.

ISSUE:

The issue in this matter is whether retroactive benefits should be allowed.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant filed a claim for benefits with an effective date of November 1, 2014. Claimant asserts that benefits should be allowed retroactive October 12, 2014 through October 31, 2014. Claimant spoke with an acquaintance who'd previously worked for IWD who told him that his claim was being disputed by his employer. This person did not have access to a computer and did not know the status of claimant's claim. Based on the erroneous advice claimant did not call in his job contacts for the three weeks ending November 1, 2014. Claimant relied on his own judgment for the three weeks ending November 1, 2014 when failing to call in his job contacts.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is granted in part.

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

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

(1) § 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 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.

Erroneous advice from a former workforce development representative, who had no access to information concerning claimant's case, is not considered a good cause reason for having failed to file a claim during the three weeks of unemployment ending November 1, 2014. Claimant is at fault for the three weeks ending November 1, 2014.

DECISION:

The decision of the representative dated November 24, 2014, reference 03, is affirmed. Claimant's request for retroactive benefits is denied for the time period October 12, 2014 through November 1, 2014.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can