

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MIGUEL A ROBLES**  
Claimant

**APPEAL 17A-UI-00128-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/04/16  
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/appellant filed an appeal from the December 28, 2016 (reference 02) unemployment insurance decision that denied his request for retroactive benefits for the period of December 4, 2016 to December 24, 2016. The claimant was properly notified of the hearing. A telephone hearing was held on January 26, 2017. The claimant, Miguel A. Robles, participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance records.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the three-week period from December 4, 2016 until December 24, 2016?

**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 December 4, 2016. He did not file a weekly claim online for the three-week period ending December 24, 2016. Claimant contacted his local Iowa Workforce Development (IWD) office when he was having technical difficulty filing his first weekly claim due to an improper PIN number being used. He did not receive a call back from his local office. He contacted the Des Moines, Iowa office and was told that the PIN issue would be fixed for him, which it was. However, once claimant logged into the system with the appropriate PIN number, he received an error message that he had a break in service. He again contacted the Des Moines, Iowa office and was told that his claim was reopened. Claimant has been able to file weekly claims since his PIN number and claim were updated by IWD. Claimant made appropriate work searches and was available for work during the period in question.

**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 § 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.

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 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.

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. Claimant's unsuccessful attempts to file continued claims online and resolve the issue by contacting IWD, given the error messages he received, are considered good reasons for the delay in filing weekly online web application continued claims. Retroactive benefits are granted.

**DECISION:**

The December 18, 2016 (reference 02) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

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