

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICTOR M MARQUEZ
Claimant

APPEAL NO. 16A-UI-09193-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IBM CORPORATION
Employer

OC: 06/05/16
Claimant: Appellant (2)

871 IAC 24.2(1)g – Retroactive Weekly Claim

STATEMENT OF THE CASE:

Victor Marquez (claimant) appealed a representative's August 11, 2016, decision (reference 01) that denied the request for retroactive benefits for the period from June 5, 2016, through August 6, 2016. After due notice was issued, a hearing was held on September 12, 2016. The claimant participated personally.

ISSUE:

The issue is whether the claimant's request for retroactive unemployment insurance benefits should be denied.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for benefits with an effective date of June 5, 2016. The claimant did not report weekly to the agency from June 5, 2016, through August 6, 2016. After filing in Iowa, he was told by a workforce employee to file in Florida. In August 2016, he contacted Iowa again. Another Iowa worker told him to file in Iowa. The claimant requests retroactive benefits from June 5, 2016, through August 6, 2016.

REASONING AND CONCLUSIONS OF LAW:

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

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.

The claimant has established sufficient grounds for having failed to file a weekly claim from June 5, 2016, through August 6, 2016. The claim for retroactive benefits is granted.

DECISION:

The representative's August 11, 2016, decision (reference 01) is reversed. The claimant's request for retroactive benefits is granted.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs