

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTHONY W BRUCK
Claimant

APPEAL NO: 14A-UI-04827-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/02/14
Claimant: Appellant (4)**

871 IAC 24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant appealed a department decision dated April 30, 2014, reference 02, that denied his request for retroactive benefits for the period from March 30, 2014 to April 19, 2014. A telephone hearing was held on May 29, 2014. The claimant participated. C2T telephone system was down and claimant agreed to a stipulation of the facts.

ISSUE:

The issue is whether claimant had a reasonable ground for the delay in the filing of his claim.

FINDINGS OF FACT:

The administrative law judge having heard the claimant's stipulation of the evidence in the record finds: The claimant filed an unemployment claim effective March 2, 2014, and he claimed for and received benefits for the four weeks ending March 29. The department issued a March 24, 2014 decision that denied claimant benefits. Claimant appealed. He stopped claiming benefits until this issue was resolved.

An administrative law judge (ALJ) issued an April 23, 2014 decision (#14A-UI-03499-VT) that reversed the department March 24 decision and allowed claimant benefits. The employer did not appeal. When claimant learned he was allowed benefits he re-opened his claim and he is requesting benefits for the period from March 30 to April 19, 2014.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes claimant established a reasonable cause for the delay in claim filing and his request for retroactive benefits for the period from March 30, 2014 to April 19, 2014 is approved.

The claimant delayed his claiming for benefits during a period he was appealing a department decision that disqualified him. When he received a favorable outcome he resumed claim and offered a reasonable cause for the delay. He did not want to risk a benefit overpayment.

DECISION:

The department decision dated April 30, 2014, reference 02, is modified. The claimant's request for retroactive benefits for the period from March 30, 2014 to April 19, 2014 is approved. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs