

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFF R MAY
Claimant

APPEAL 18A-UI-05648-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/24/17
Claimant: Appellant (1)**

Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 3, 2018, (reference 02), unemployment insurance decision that denied claimant's request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on June 7, 2018. Claimant participated. Department's Exhibit D-1 was received.

ISSUES:

Is the appeal timely?

Is the claimant eligible for retroactive benefits for the two weeks ending April 28, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The unemployment insurance decision was mailed to the appellant's address of record on May 3, 2018. The appellant received the decision shortly thereafter, within the appeal period. Claimant emailed an appeal to UIclaimshelp@iwd.iowa.gov on May 4, 2018. However, the email was not forwarded to the Appeals Bureau. By May 17, 2018, claimant had not heard anything regarding his appeal. He called the Appeals Bureau and was informed the appeal had not been received. Claimant forwarded his appeal to the Appeals Bureau immediately thereafter.

Claimant filed a claim with an original claim date of December 24, 2017, and returned to work thereafter. Claimant was temporarily laid off for the two weeks ending April 28, 2018. Claimant's last day of work was Friday, April 13, 2018. In an attempt to be proactive, claimant reopened his claim that week, which gave him an effective date of April 8, 2018. Claimant did not read the Unemployment Insurance Benefits Handbook when he reopened his claim. Claimant did not file a continued weekly claim for the one week ending April 14, 2018, as he had worked full-time hours that week. Because claimant did not file a weekly continued claim, his claim closed. When claimant attempted to file a weekly continued claim for the one week ending April 21, 2018, he was not able to do so and received an error message stating he needed to reopen his claim. Claimant continued to unsuccessfully attempt to file weekly

continued claims until May 2, 2018, when he called Iowa Workforce Development. A Workforce representative explained to claimant that his claim closed after failing to file a continued claim for the first week after he reactivated his claim. Claimant requested retroactive benefits for the two weeks ending April 28, 2018, and the request was denied.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

IMPORTANT: If an individual waits until after the calendar week has ended on Saturday to file a UI claim, the individual will not be eligible to be paid for the prior week.

and

Reactivating a Claim

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week they want to start collecting benefits again. Any employment during the break must be reported. **If any weekly claim filing is missed during the claim year, an individual must file an initial claim application to reactivate their claim. This would apply even if 1 week is not filed timely.** Refer to the instructions on page 19 of this handbook "Filing Weekly Claim." (emphasis added)

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 20:

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. Payment will not be made for any weeks that are not filed timely. If a weekly claim filing is missed for one or more weeks, a new initial claim application must be filed. It is your responsibility to check the status of your claim during the week to ensure the prior week has been recorded.

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week’s claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of benefits.

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.

Elsewhere in the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

REASONING AND CONCLUSIONS OF LAW:

The first issue to be considered in this appeal is whether the appellant's appeal is timely. The administrative law judge determines it is.

Iowa Code § 96.6(2) provides, in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week

with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

In this case, claimant attempted to file a timely appeal when he sent an email to the UI Claims Help email address. The email was not forwarded to the Appeals Bureau. As soon as claimant learned of this, he resent his appeal. Therefore, the appeal should be accepted as timely.

However, for the reasons that follow, claimant's request for retroactive benefits must be denied.

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.

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

871-24.2 – Procedures for workers desiring to file a claim for benefits for unemployment insurance.

g. No continued claim for benefits shall be allowed until the individual claiming benefits has completed a continued claim or claimed benefits as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following the Saturday of the weekly reporting period, unless reasonable cause can be shown for the delay, not later than close of business on the Friday following the weekly reporting period.

In this case, claimant had good intentions when he reactivated his unemployment insurance claim one week early. But because claimant neglected to read the Unemployment Insurance Benefits Handbook, he did not know that his failure to file his weekly continued claim for one week would require him to again reactivate his claim in order to claim benefits for the one week ending April 21, 2018. Claimant was unable to file his first weekly continued claim because of this, but did not immediately call Iowa Workforce Development for assistance. This resulted in claimant also being unable to file his second weekly continued claim. Although the administrative law judge is sympathetic to claimant's situation, he did not file his continued weekly claims because of failing to read the Unemployment Insurance Benefits Handbook and failing to immediately request help when needed. This is not reasonable cause for failing to file weekly continued claims.

DECISION:

The May 3, 2018, (reference 02) unemployment insurance decision is affirmed. The appeal is timely. The claimant's request for retroactive benefits for the two weeks ending April 28, 2018, is denied.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn