

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DONN MARTENS**  
Claimant

**APPEAL NO. 16A-UI-01231-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/27/15**  
**Claimant: Appellant (2)**

871 IAC 24.2(1) g – Retroactive Benefits

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 21, 2016, reference 03, which denied claimant's request for retroactive benefits. On February 23, 2016, a hearing was to be held on this matter. Claimant did not participate in said hearing and claimant's appeal was dismissed. Claimant appealed this decision to the Employment Appeals Board, and the administrative law judge's decision was overturned and this case was returned to the judge for further hearings. After due notice, a telephone conference hearing was scheduled for and held on March 30, 2016. Claimant participated personally, and was represented by counsel Larry Stoller.

**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 December 27, 2015. Claimant asserts that benefits should be allowed retroactive December 27, 2015 through January 16, 2016. When claimant was about to be laid off from an assignment with Polaris Industries, a human resources officer explained to claimant that this was a temporary layoff. The HR officer additionally told claimant that he could file for unemployment, and as a person under temporary layoff that he did not need to file weekly claims. Claimant did open his original claim on December 27, 2015, but did not file his weekly claims for the next three weeks. Claimant consulted with a Workforce Development representative during the week of January 17, 2016 as he had not received any benefits during his layoff, and was informed he needed to file weekly claims in order to receive benefits. Based on the erroneous advice from his human resources officer, claimant did not call in his job contacts for the three weeks ending January 16, 2016.

**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 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 employer's human resources manager is considered a good-cause reason for having failed to file a claim during the three weeks of unemployment ending January 16, 2016. After claimant reasonably called IWD when he had not received benefits for three weeks, he began following appropriate procedures.

**DECISION:**

The decision of the representative dated January 21, 2016, reference 03, is reversed. Claimant's request for retroactive benefits is granted for the time period December 27, 2015 through January 16, 2016.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/css