

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES E SCHUENEMANN**  
Claimant

**APPEAL NO: 13A-UI-13341-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/25/13  
Claimant: Appellant (4)**

871 IAC 24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated November 15, 2013, reference 03, that denied his request for retroactive benefits for the five-week period ending September 28, 2013. A telephone hearing was held on December 26, 2013. The claimant did not participate.

**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 testimony and having considered the evidence in the record finds: The claimant filed an unemployment claim effective August 25, 2013. Claimant signed an Employment Separation agreement that he reasonably believed he was eligible for re-hire or inter-company transfer. Claimant did not apply for benefits for the five-week period ending September 28 for this reason.

When claimant learned he was not going to be re-hired or permitted the transfer, he began a work search that led to new employment on September 26.

Claimant failed to respond to the hearing notice.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.2(1)g provides:

- g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a voice response continued claim. The biweekly claim for benefit payment shall be mailed not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week

immediately following the biweekly reporting period. 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 filing claims, and his request for retroactive benefits from that five-week period from August 25, 2013 to September 28 is approved.

Claimant was in a predicament where he did not know his future employment status with his prior employer for an extended period of time. He thought he had affected his benefit claim August 25 that would automatically allow benefits without further action. He did search for work during this unemployment period that led to new employment on September 26.

**DECISION:**

The department decision dated November 15, 2013, reference 03, is modified. The claimant's request for retroactive benefits for the period from August 25, 2013 to September 28 is approved. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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