

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DENISE A VAN OTEGHAM**  
Claimant

**APPEAL 17A-UI-02592-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/25/16**  
**Claimant: Appellant (2)**

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Iowa Code § 96.6(1) – Filing Claims  
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 2, 2017, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for March 30, 2017. Claimant participated. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the one-week period ending January 7, 2017?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective September 25, 2016, with an additional claim on March 5, 2017, and a reopened claim on March 12, 2017. Claimant testified that she believes she reopened her claim the week of January 1, 2017, by going online and following the instructions. Claimant received a notice from the website that confirmed she had reopened her claim. Claimant then waited until the end of that week to file her continued claim for benefits. Claimant followed these identical steps in March 2017; when she did this in January, she did not know how soon she would get paid...; was patiently waiting for the benefit and did not pursue anything right away, because she did not know how long it was supposed to take;

**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 Code § 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.

In order to be eligible for weekly benefits, the claimant must file an online web application continued claim or show good cause for the failure to do so to support a request for retroactive benefits. Iowa Admin. Code r. 871-24.2(1)g.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 13-14:

**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.

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.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 9:

**FILING WEEKLY CLAIMS**

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 received

**WHEN TO FILE**

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 a.m. Saturday through 11:30 p.m. Sunday. Failing to do so can potentially delay benefits.

Here, claimant testified that she followed the same steps to reopen her claim and then claim one week of benefits in January 2017 that she did in March 2017. The administrative record shows claimant's March 2017 efforts were successful. While claimant did not have the confirmation number for her January 2017 filing, she credibly testified that she took all the steps necessary to reopen her claim and receive one week of benefits during her layoff. In the future, claimant is encouraged to record all confirmation numbers she receives and reach out to customer service or her local office with any questions or concerns. Benefits are allowed.

**DECISION:**

The March 2, 2017 (reference 01) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed