

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AUNDE S DEWOLF
Claimant

APPEAL 18A-UI-07044-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 06/03/18
Claimant: Appellant (2R)

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 June 21, 2018, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for July 18, 2018. Claimant participated. Claimant's Exhibit A was received and admitted into the record. The administrative law judge took official notice of the administrative record.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending June 16, 2018?

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 June 3, 2018. On Friday, June 15, 2018, claimant called Iowa Workforce Development to try and file her weekly continued claim with a customer service representative. Claimant told Doug, the person to whom she spoke, that she earned \$750.00 during the week of June 3-9. Claimant believed that Doug filed her weekly claim for her via telephone. On Tuesday, June 19, claimant called Iowa Workforce Development and spoke to a customer service representative named Brie. Claimant intended to report to Brie that she earned no wages and she hoped that Brie would help her file the weekly claim via telephone. However, Brie told her that her claim was locked because she had not filed a claim the week prior.

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.

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 he/she wants to start collecting benefits again. Any employment during the break must be reported.

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 timely filed. 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 September 2017, version of 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:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is granted.

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 took reasonable steps both weeks to file her weekly claim for benefits. Claimant provided proof of her call to Iowa Workforce Development the first week and has established that she believed her weekly claim was filed for the week ending June 9, 2018. Therefore, retroactive benefits for that week are granted. Claimant then contacted the agency and attempted to file her weekly claim the following week. However, her claim was locked. At that point, there was nothing claimant could do to reopen her claim. Claimant has shown a good cause reason for failing to file her weekly continued claim for the week ending June 16, 2018. Retroactive benefits for both weeks are allowed. This matter will be remanded to calculate claimant's actual weekly benefit amount for the week ending June 9, in light of the \$750.00 in wages she reported earning and receiving during the hearing.

DECISION:

The June 21, 2018, (reference 01) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted.

REMAND:

This matter is remanded to the Benefits Bureau of Iowa Workforce Development for a calculation of claimant's weekly benefits for the week ending June 9, 2018, given that she reported \$750.00 in wages that week.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn