

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TRAVIS J EDDIE
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 18A-UI-05123-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/25/18
Claimant: Appellant (2)

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 April 24, 2018, (reference 03), unemployment insurance decision that denied claimant's request for retroactive benefits. After due notice was issued, a telephone conference hearing was held on May 22, 2018. Claimant participated. Claimant's Exhibit A was admitted into the record.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending April 7, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective March 25, 2018. He called the agency on March 30 to make sure that his new claim was filed so he could file his weekly claim over the weekend. Claimant's prior claim expired on March 25, 2018. He was told that his claim was not active but that the worker would make it active. The claimant tried to file his weekly claim on Sunday, April 1, and believed that it had been processed correctly. The claimant had been filing his weekly claims via his cell phone without any issues during his 2017-2018 claim year.

When he noticed that he had not been paid for the week, he again contacted the agency. He was told he had not filed a weekly continued claim for the week ending March 31 so he was not able to file his claim for the week ending April 7.

Claimant did not earn any wages or receive any vacation or holiday pay during the two week ending April 7, 2018. Claimant was aware he was required to file a continued claim for each week he was seeking benefits, but was not aware his claim would close if he missed only one weekly filing.

For some reason, the claimant's weekly continued claim for the week ending March 31 did not process correctly despite the claimant contacting the agency on March 30 to ensure that he could file his claim over the weekend. The claimant did attempt to file his weekly continued

claim and even sought assistance from the agency prior to the weekend he was to file to ensure that he could file his claim.

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.

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 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 they want to start collecting benefits again. Any employment during the break must be reported.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 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.

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/>

In this case, claimant did everything he was required to do to file his claim, but for some reason his claim was not properly recorded by the agency's computer system. Claimant called the agency on March 30 to ensure that he would be able to file his claim. He was specifically told by a worker that they would make sure his claim was active. Under these specific circumstances, claimant has established good cause for retroactive benefits for the two week period ending April 7, 2018.

DECISION:

The April 24, 2018, (reference 03) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted for the two-weeks ending April 4, 2018. Claimant did not earn any wages or receive any vacation or holiday pay during the two weeks ending April 4, 2018.

Teresa K. Hillary
Administrative Law Judge
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Decision Dated and Mailed

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