

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NHEU V CAM
Claimant

APPEAL NO. 08A-UI-02390-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/06/08 R: 02
Claimant: Appellant (4)**

871 IAC 24.2(1) g – Retroactive Benefits

STATEMENT OF THE CASE:

Nheu V. Cam (claimant) appealed a representative's March 5, 2008 decision (reference 02) that concluded he was not eligible to receive retroactive benefits from January 6 through February 16, 2008. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on March 25, 2008. The claimant participated in the hearing. Based on the evidence, the administrative record, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible to receive retroactive benefits for the weeks ending January 12 through February 16, 2008?

FINDINGS OF FACT:

During the week of January 6, 2008, the claimant established an unemployment insurance claim over the Internet. He filed a claim for the week ending January 12, 2008. Initially, the Department concluded the claimant was not eligible to receive benefits because he did not have any wage credits.

Although the claimant understands and comprehends English, it is not the claimant's primary language. The claimant does not understand everything that is written or spoken in English. After the claimant received the notice he was not eligible to receive benefits because he did not have any wage credits, he wanted his girlfriend to help him with his unemployment insurance claim by going to the local workforce office with him to straighten out a misunderstanding. The claimant knew he had worked but these wages were not reported. The claimant's girlfriend was ill and could not go to the local Workforce office with the claimant right away. The claimant did not go to the local workforce office with his girlfriend until the week of February 17 or 23.

The claimant understood he could not file any weekly claims until he was found eligible to receive benefits. The claimant did not file weekly claims until he received a February 28, 2008 corrected monetary determination that held him eligible to receive benefits. The corrected

monetary determination included wages that had not shown up before. The claimant was then found eligible to receive benefits as of January 6, 2008.

The claimant started filing weekly claims the week of February 17, and has received benefits since that time.

REASONING AND CONCLUSIONS OF LAW:

When a claimant submits a claim by voice mail response, the claimant must call in on a weekly basis 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. 871 IAC 24.2(1). The evidence indicates the claimant properly called in his claim for the week ending January 12, 2008. His request for retroactive benefits for this week is granted.

The claimant's request for benefits for the weeks ending January 18 through February 16, 2008, is not granted, because he did not file timely weekly claims. The law only allows the claimant to receive retroactive benefits for the week ending February 23, even though he filed this weekly claim during the week of February 24, 2008. Also, even though the claimant may not have understood all the unemployment insurance rules, he could have called his local workforce office or gone to the office by himself. The claimant did not establish good cause for filing late weekly claims.

DECISION:

The representative's March 5, 2008 decision (reference 02) is modified in the claimant's favor. The evidence establishes the claimant timely filed a claim for the week ending January 12, 2008. Therefore, he is eligible to receive benefits for this week. When the claimant filed a claim for the week ending February 23 during the week of February 24 or March 2, the Department gave him retroactive benefits for this week. The claimant's request for retroactive benefits for the weeks ending January 18 through February 16 is not granted, because he did not establish good cause for filing these weekly claims late.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw