

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN A MCKNIGHT
Claimant

APPEAL 18A-UI-01334-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/24/17
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 January 19, 2018, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled and conducted on February 26, 2018. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request for retroactive benefits be granted?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective December 24, 2017. He opened his claim at the local Sioux City IWD office and was advised to file his weekly continued claim on January 2, 2018, because of the holiday.

On January 2, 2018, the claimant filed his weekly continued claim for the week ending December 30, 2017 and believed it had gone through. When he did not receive payment, he contacted IWD and learned the claim had not successfully been transmitted. The IWD representative told him that "for some reason" the claim was not successfully transmitted. The claimant confirmed he had entered holiday pay and answered the other questions associated with a weekly continued claim on January 2, 2018. For the week ending December 30, 2017, the claimant was able and available for work and earned \$338.00 in holiday pay.

The claimant stated he did read the claimant handbook containing instructions on how to file a claim. The claimant is requesting retroactive benefits for the one week period ending December 30, 2017.

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. Good cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim.

In this case, the claimant made a good faith effort to complete his weekly continued claim for the week ending December 30, 2017, when he filed his weekly continued claim on January 2, 2018. The claimant credibly testified he answered the questions associated with the weekly continued claim as he completed the claim. For unknown reasons, the claim was not successfully submitted. Given the claimant's efforts to follow the directives from the IWD representative and the claimant's belief it was successful, he has considered good reasons for the delay in filing the weekly online web application continued claim. Therefore, the administrative law judge concludes the claimant's request for retroactive benefits for the week ending December 30, 2017 is granted. Benefits are allowed, provided he is otherwise eligible. The claimant's reported holiday pay of \$338.00 shall also be recorded and considered in the calculation of any benefits the claimant may be entitled.

DECISION:

The January 19, 2018, (reference 01) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is allowed, provided he is otherwise eligible

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn