

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD L NIEMAN
Claimant

APPEAL NO. 13A-UI-07279-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/28/13
Claimant: Appellant (2)**

841 IAC 24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant, Richard Nieman, filed an appeal from a decision dated June 10, 2013, reference 01. The decision denied the request for retroactive unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 27, 2013. The claimant participated on his own behalf.

ISSUE:

The issue is whether the claimant's request for retroactive benefits may be granted.

FINDINGS OF FACT:

Richard Nieman previously filed a claim for unemployment benefits with an effective date of April 29, 2012. He had a seasonal job and when it ended in 2013 he accessed the computer system and started filing a weekly claim. It was not until three weeks later he received a notice that he needed to contact Iowa Workforce Development. For two weeks he attempted to call and each time was put on hold so long he eventually gave up. One final time he received a response and the representative reactivated his claim. He was advised to file for retroactive benefits which were initially denied.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.2(1)g provides:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a voice response continued claim. The biweekly claim for benefit payment shall be mailed not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week

immediately following the biweekly reporting period. The weekly voice response continued claim shall be transmitted 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.

The claimant was misled by the computer response which accepted his weekly claims even though he was not instructed to file an additional claim. He was further prohibited in his efforts to contact Iowa Workforce Development by long hold times. The administrative law judge cannot conclude the claimant failed to follow the instructions and willfully failed to call in his weekly claims.

DECISION:

The representative's decision of June 10, 2013, reference 01, is reversed. Richard Nieman's request for retroactive benefits is granted.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs