

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHNATHON L COX
Claimant

APPEAL NO. 15A-UI-12897-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/13/15
Claimant: Appellant (1)**

871 IAC 24.2(1) g – Retroactive Benefits

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 17, 2015, reference 01, which denied claimant's request for retroactive benefits. After due notice, a telephone conference hearing was scheduled for and held on December 10, 2015. Claimant participated personally.

ISSUE:

The issue in this matter is whether retroactive benefits should be allowed.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant filed a claim for benefits with an effective date of September 13, 2015. Claimant asserts that benefits should be allowed retroactive October 18, 2015 through November 14, 2015. Claimant consulted with a Workforce Development representative during the week of October 18, 2015 and asked if he could work and still receive benefits. As claimant wasn't specific with his question, he received an answer from an IWD representative that he couldn't continue receiving unemployment benefits once he was employed. When claimant asked the question, he didn't state that his employment was self-employment on a part-time, temporary basis.

On or around November 12, 2015 claimant shared more specific information concerning the work he'd done with a different IWD representative. That representative advised claimant to restart his weekly claims, and mention the circumstances surrounding his part time employment. Claimant was unable to immediately report his claims that weekend and had to restart his claims the next week. Claimant has been successfully filing since that date.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Admin. Code r. 871-24.2(1)g provides:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) § 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has completed a voice response continued claim or claimed benefits as otherwise directed by the department. 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.

Erroneous advice for a workforce development representative is considered a good cause reason for having failed to file a claim during the weeks of unemployment ending November 14, 2015. Unfortunately claimant did not receive erroneous advice from an IWD official; rather claimant gave incomplete information to the official, and the official gave correct advice based upon the information given. Claimant is at fault for the four weeks ending November 14, 2015.

DECISION:

The decision of the representative dated November 17, 2015, reference 01, is affirmed. Claimant's request for retroactive benefits is denied for the time period October 18, 2015 through November 14, 2015.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can