

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMITA M BROWN**  
Claimant

**APPEAL NO. 07A-UI-06532-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/17/06 R: 02  
Claimant: Appellant (2)**

871 IAC 24.2(1)g - Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated June 22, 2006, reference 01, that denied the claimant's request for retroactive benefits. A telephone hearing was held on July 18, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Exhibit A was submitted by the claimant after the hearing and is admitted into evidence.

**ISSUE:**

Is the claimant entitled to retroactive benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits during the week of September 17, 2006. The claimant was informed and understood that she was required to file weekly claims for unemployment insurance benefits using the telephone voice response system to receive benefits.

The claimant called in her weekly claims for the weeks ending September 23 and September 30, 2006, but no benefits were paid to the claimant. The claimant applied for general assistance. She was required to get a verification form completed by a representative of the Iowa Workforce Development Department. The IWD representative wrote down and informed the claimant that she was not monetarily eligible for benefits effective September 17, 2006. This information was erroneous as the claimant was eligible for \$239.00 in benefits per week and had worked for two weeks for Nationwide Insurance in June 2006 so she had earned enough wages to qualify for unemployment insurance benefits after her first benefit year ended on September 17, 2006.

The claimant did not call the telephone voice response system to file weekly claims for the weeks ending October 7 through December 16, 2006, because she reasonably relied on the erroneous advice she had received that she was not eligible for benefits and was not informed of any way to contest the determination that she was not eligible. She was unemployed and actively looking for work during this period.

In April 2007, the claimant discovered that unemployment insurance benefits for the weeks ending September 23 and September 30, 2006, had recently been deposited in her bank account. She asked an agency representative why that had occurred but received no logical explanation. She was instructed to file for retroactive benefits for the weeks ending October 7 through December 16, 2006, which she did.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is eligible for unemployment insurance benefits for the weeks ending October 7 through December 16, 2006

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 has established reasonable cause for her delay in filing her weekly claims. Reasonable cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim. The claimant did not call the telephone voice response system to file a weekly claim for the weeks ending October 7 through December 16, 2006, because she reasonably relied on the erroneous advice she had received that she was not eligible for benefits and was not informed of any way to contest the determination that she was not eligible. She was unemployed and actively looking for work during this period.

**DECISION:**

The unemployment insurance decision dated June 22, 2006, reference 01, is reversed. The claimant is eligible to receive retroactive benefits for the weeks ending October 7 through December 16, 2006.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css