

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**GREGORY J WAGNER
10501 GARLING RD
LA PORTE CITY IA 50651**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-01075-LT
OC 07-27-03 R 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2(1)g – Retroactive Weekly Claim

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the January 23, 2004, reference 04, decision that denied the request for retroactive benefits for the period from September 7, 2003 through September 27, 2003. After due notice was issued, a hearing was held on February 23, 2004. Claimant did participate.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an original claim for benefits on July 27, 2003 with an additional claim effective date of August 24, 2003. Claimant was hired during the first week of September at Target and

the work was to begin on September 25, 2003. Claimant continued to search for work during those three weeks but did not call in to file his weekly claims.

REASONING AND CONCLUSIONS OF LAW:

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

871 IAC 24.2(1)g provides:

(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.

An individual claiming benefits using the weekly voice continued claim system shall personally answer and record such claim on the system unless the individual is disabled and has received prior approval from the department.

Failure to call in claims is not considered a good cause reason for having failed to file a weekly claim from September 7 to September 27, 2003. The claim for retroactive benefits is denied.

DECISION:

The January 23, 2004, reference 04, decision is affirmed. The claimant's request for retroactive benefits is denied for the three weeks ending September 27, 2003.

dml/b