

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN E CLEVEN
Claimant

APPEAL 17A-UI-11282-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/08/17
Claimant: Appellant (4)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

Brian E. Cleven (claimant) filed a timely appeal from the October 24, 2017, reference 01, unemployment insurance decision that denied the request to backdate the claim for benefits prior to October 8, 2017. After due notice was issued, a hearing was held by telephone conference call on November 30, 2017. The claimant participated. The claimant also waived notice on the issue of whether he was eligible for retroactive benefits for the two-week period ending October 21, 2017.

ISSUES:

May the claim be backdated prior to October 8, 2017?

Should the claimant's request for retroactive benefits be granted for the two-week period ending October 21, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of October 8, 2017 following a separation from employment. He does not want his claim backdated prior to that date. The claimant did not file his continued weekly claim for benefits for that week between October 15 and October 21 as he did not read the Unemployment Insurance Handbook closely or the confirmation page he received, both of which explained he needed to file the continued weekly claim for benefits.

On Monday, October 23, 2017, the claimant contacted Iowa Workforce Development (IWD) to discuss the status of his claim. He learned at that time that his claim had closed as he missed one week of filing and he reactivated his claim effective October 22, 2017. The claimant was then denied benefits for the two-week period ending October 21, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not seeking to backdate his claim prior to October 8, 2017 and that issue is moot. The claimant's request for retroactive benefits is denied in part and granted in part.

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.

The September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

Reactivating a Claim

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- Are currently unemployed or working reduced hours
- Are able to work and available for work
- Have not refused any job offers or referrals to a job
- Are actively looking for work (unless waived)
- Are reporting any pay or pension payment

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of benefits.

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

Elsewhere in the September 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

In this case, the claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook and on his claim confirmation page about filing continued weekly claims is not considered a good reason for having failed to file a continued weekly claim for benefits for the first week he missed. The request for retroactive benefits for the week ending October 14, 2017 is denied.

The claimant's claim was open through end of business October 20 to give him an opportunity to file his continued weekly claim for the week ending October 14, 2017; however, when he failed to do so his claim was closed. The claimant contacted IWD during the required timeframe

to file his continued weekly claim for benefits for the week ending October 21, 2017, but was unable to do so due to his failure to report the week before.

Although the Unemployment Insurance Handbook addresses reactivating a claim, it does not clearly state that a claim will close after only one week of failing to file a continued weekly claim. Even if it did, it would have been technically impossible for the claimant to reopen his claim in order to file a continued weekly claim for the week ending October 21, 2017. The claim did not close until the deadline to make a weekly claim filing--October 20, 2017, at 5:30 p.m. However, he only had until October 20, 2017, at 4:30 p.m. to reopen the claim. In other words, there was no closed claim for the claimant to reopen that week. There is nothing else the claimant could have done to prevent this from happening in regard to the second missed weekly claim filing. The claimant has shown good cause to allow retroactive benefits for the one-week period ending October 21, 2017.

DECISION:

The October 24, 2017, reference 01, unemployment insurance decision is modified in favor of the claimant. The issue of backdating the claim prior to October 8, 2017 is moot as the claimant is not requesting to have his claim backdated prior to that date. The claimant's request for retroactive benefits for the one-week period ending October 14, 2017 is denied. The claimant's request for retroactive benefits for the one-week period ending October 21, 2017 is granted.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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