

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GAIL S VALENZA**  
Claimant

**APPEAL NO: 15A-UI-00011-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/20/14**  
**Claimant: Appellant (2/R)**

871 IAC 24.2 (1)(g) – Filing Weekly Claims (Retroactive Benefits)

**STATEMENT OF THE CASE:**

Gail S. Valenza (claimant) appealed a representative's December 18, 2014 (reference 03) decision that denied her request for retroactive benefits for the weeks between April 20, 2014 and May 17, 2014. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 27, 2015. The claimant participated in the hearing. During the hearing, Exhibit A-1 was entered into evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant establish sufficient grounds to allow her request for retroactive benefits?

**FINDINGS OF FACT:**

The claimant filed a claim for unemployment insurance benefits effective April 20, 2014. She did not receive the information providing instructions as to how to make weekly continued claims. She did access an Agency database each week to seek new employment but did not realize that there was another system she was to be accessing to make her weekly continued claims.

The claimant did make an active search for employment during the four weeks between April 20 and May 17, 2014. After her separation from her prior employer, she also did receive some vacation pay. Agency records indicate that there has not yet been any adjudication made as to whether that prior employer made a proper allocation of some of all of that vacation pay to any of the weeks after April 20, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant should receive retroactive benefits for the weeks between April 20 and May 17.

Agency rule 871 IAC 24.2(1)g establishes the criteria for filing weekly continued claims for benefits. The rule provides for retroactive benefits if good cause is shown. The claimant has established that she was not informed about the proper call-in procedure and that she conducted an active work search during the weeks in question. The claimant has established reasonable cause for her delay in filing the weekly continued claims. Her request for retroactive benefits for the weeks between April 20 and May 17, 2014 is granted.

An issue as to whether there was vacation pay properly attributable to any of the weeks after April 20 arose during the hearing. This issue was not included in the notice of hearing for this case, and the case will be remanded for an investigation and preliminary determination on that issue. Rule 871 IAC 26.14(5).

**DECISION:**

The representative's December 18, 2014 (reference 03) decision is reversed. The claimant is entitled to retroactive benefits for the four weeks from April 20 through May 17, 2014; if she is otherwise eligible. The matter is **REMANDED** to the Benefits Bureau for investigation and determination of the vacation pay allocation issue.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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