

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY C WEGMULLER**  
Claimant

**APPEAL NO. 09A-UI-18673-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 08/09/09  
Claimant: Appellant (1)**

871 IAC 24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 4, 2009, reference 04, decision that denied the request for retroactive benefits for the period of September 13, 2009, through October 3, 2009. After due notice was issued, a hearing was held by telephone conference call on Saturday, January 23, 2010. The claimant participated personally.

**ISSUE:**

At issue is whether the claimant can claim retroactive benefits for the period of September 13, 2009, through October 3, 2009.

**FINDINGS OF FACT:**

Having heard the testimony of the claimant and having examined all the evidence in the record, the administrative law judge finds: Ms. Wegmuller established a claim for unemployment insurance benefits effective the week that began August 9, 2009, and was provided the informational booklet from Iowa Workforce Development explaining the unemployment system and how to file her claim for benefits each week. Ms. Wegmuller was denied benefits by a fact-finder's decision dated August 13, 2009, which disqualified the claimant from receiving benefits. The claimant appealed that decision and testified that she received that she received an administrative law judge's decision in her favor that was dated on or about October 22, 2009.

The claimant attempted to file a weekly claim for the week of September 13, 2009, but her "pin" number was not recognized by the system. The claimant assumed it was because she had been previously disqualified. The claimant did not complete a claim for benefits for the three-week period ending October 3, 2009. Subsequently, the claimant went in-person to a Workforce Development center and requested retroactive benefits for the period of September 13, 2009, until October 3, 2009. Based upon statements made to her at the time, Ms. Wegmuller believed that retroactive benefits had been authorized.

**REASONING AND CONCLUSIONS OF LAW:**

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 question is whether the evidence in the record establishes that Ms. Wegmuller took the appropriate steps to remain eligible for unemployment insurance benefits during the benefit weeks ending September 19, September 26, and October 3, 2009. It does not.

After Ms. Wegmuller established her original claim for benefits, she was able to use the automated telephone reporting system without incident for the first weeks of her claim. The claimant received the claimant's handbook, which explains the unemployment compensation system and its requirements. The information provided to Ms. Wegmuller specifically instructs claimants to keep filing benefits each week that they have been disqualified if they dispute the finding and have filed an appeal. The information also specifically instructs claimants of alternatives to use if they have "pin" issues when attempting to file their weekly claims via the automated telephone reporting systems.

The administrative law judge concludes that Ms. Wegmuller did not take the appropriate steps to continue her claim for unemployment insurance benefits during the benefit weeks ending September 19, September 26, and October 3, 2009. Retroactive benefits are not allowed.

**DECISION:**

The unemployment insurance decision dated December 4, 2009, reference 04, is affirmed. The decision disqualifying the claimant from receiving retroactive unemployment insurance benefits for the period of September 13, 2009, until October 3, 2009, remains in effect.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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