

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL A LESMEISTER
Claimant

APPEAL NO. 07A-UI-05121-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/18/07 R: 03
Claimant: Appellant (1)**

871 IAC 24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant, Michael Lesmeister, filed an appeal from a decision dated May 9, 2007, reference 01. The decision denied his request for retroactive unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 26, 2007. The claimant participated on his own behalf.

ISSUE:

The issue is whether the claimant may receive retroactive benefits.

FINDINGS OF FACT:

Michael Lesmeister filed a claim for unemployment benefits with an effective date of March 18, 2007, by filing on-line on Friday, March 23, 2007. He did not read and follow the instructions on the web site to call in his claim that week because he had received a check for that week and did not feel he needed to call in.

The next week, on April 1, 2007, he attempted to call in his weekly claim for the week ending March 31, 2007, but was informed by the recording the claim was closed. He reopened his claim that same day and called in without problem the next week.

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 claimant did not read and follow the instructions to call in his weekly claim the same week in which he filed his claim. As a result, the claim was locked. He did not call in the next week until the week ending March 31, 2007, was past and was not able to reopen his claim until an effective date the next week. Failure to read and follow the instructions does not constitute good cause to grant retroactive benefits.

DECISION:

The representative's decision of May 9, 2007, reference 01, is affirmed. Michael Lesmeister's request for retroactive benefits is denied.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw