

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICTOR FLORES VEGA
Claimant

APPEAL NO. 15A-UI-00285-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/16/14
Claimant: Appellant (2)**

871 IAC 24.2(1)g – Retroactive Weekly Claim

STATEMENT OF THE CASE:

Victor Flores Vega (claimant) appealed a representative's January 6, 2015, decision (reference 01) that denied the request for retroactive benefits for the period from November 16 through December 20, 2014. After due notice was issued, a hearing was held on February 4, 2015. Claimant participated personally through Yolanda Bello, interpreter.

ISSUE:

The issue is whether the claimant's request for retroactive unemployment insurance benefits should be denied.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for benefits with an effective date of November 16, 2014. He had help filing and received a confirmation number. After filing, the computer system would not accept his weekly filing. Each week he called IWD and the worker gave him a different reason for his not being able to access the system but did not help him to fix the system error. Finally during the week of December 21, 2014, a worker in the Council Bluffs, Iowa, office helped the claimant to fix the problem so he could report weekly. The claimant did not report weekly to the agency from November 16 through December 20, 2014, because he could not receive information from workers about how to fix an error in the computer system. The claimant requests retroactive benefits from November 16 through December 20, 2014.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Admin. Code r. 871-24.2(1)g provides:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) § 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

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.

The claimant has established sufficient grounds for having failed to file a weekly claim from November 16 through December 20, 2014. The claim for retroactive benefits is granted.

DECISION:

The representative's January 6, 2015, decision (reference 01) is reversed. The claimant's request for retroactive benefits is granted.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs