

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JUSTIN N RORK
Claimant

APPEAL 18A-UI-02863-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/22/17
Claimant: Appellant (1)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant, Justin N. Rork, filed an appeal from the February 27, 2018, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for March 28, 2018. The claimant participated personally. Claimant Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request for retroactive benefits be granted?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective October 22, 2017, in response to a temporary layoff. During the week of February 11, 2018 through February 17, 2018, the claimant did not earn wages and was able to and available for work. He stated he "had a lot going on" the following week and may have forgotten to make his weekly continued claim. He had no evidence or internet history or screen shot that showed he attempted to timely complete his weekly continued claim for the week ending February 17, 2018. On February 26, 2018, the claimant contacted IWD for assistance.

When the claim was filed, the claimant was given the option of reading the Unemployment Insurance Handbook online or a hard copy. The Unemployment Insurance Handbook includes instructions for properly filing claims and informs claimants that they should call IWD customer service for help if they don't understand the information in the handbook. The claimant did not read the paper or online version of the Unemployment Insurance Benefits Handbook as instructed when he established his unemployment insurance claim.

Instructions for filing a claim are contained in the October 2016, and June 2017, versions of the *Unemployment Insurance Benefits Handbook*, on pages 13- 14 and 19-20, including:

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.

When to File

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay benefits. <https://uiclaims.iwd.iowa.gov/weeklyclaims/>¹

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.

REASONING AND CONCLUSIONS OF LAW:

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

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.

In this case, the claimant failed to file a weekly claim for the one-week period ending February 17, 2018. The claimant failed to provide any persuasive evidence that he made a good faith effort to timely file his weekly continued claim for the week ending February 17, 2018, and acknowledged he may have forgot. The claimant also did not read the handbook containing instructions on filing his claim. The administrative law judge is sympathetic to the claimant, but based on the evidence presented, the administrative law judge concludes the claimant has not established good cause for his delay in filing his weekly continued claims. Good cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim. Accordingly, the claimant's request for retroactive benefits is denied.

¹ The link was added in the June 2017, handbook and leads to information about a required PIN.

DECISION:

The February 27, 2018, (reference 01) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn