

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULI A BARTON
Claimant

APPEAL 16A-UI-08541-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/05/16
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 3, 2016, (reference 03) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was held August 22, 2016. Claimant participated. Claimant's Exhibit A was received.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the four-week period ending July 2, 2016?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective June 5, 2016, with an additional claim on July 3, 2016. She did not file continued claims by voice response unit (VRU) or online web application for the four-week period ending July 2, 2016. She has a self-described intellectual disability and was unable to understand the process whether in writing or with telephone consultation. She earned gross wages of \$257.85 for the week-ending June 18, 2016 and \$138.77 for the week-ending June 25, 2016.

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 Code § 96.6-1 provides:

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 a VRU or 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.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 5:

CLAIM EFFECTIVE DATE

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed.

and

REACTIVATING A CLAIM

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week they want to start collecting benefits again.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 9:

CLAIMING BENEFITS EACH WEEK

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- are currently unemployed or working reduced hours
- are able to work and available for work
- have not refused any job offers or referrals to a job
- are actively looking for work (unless waived)
- are reporting any pay or pension payment received

Eligibility can be certified online or by phone.

CERTIFYING ONLINE

The weekly continued claim is available on the IWD website at www.iowaworkforcedevelopment.gov. Individuals must follow the instructions to log in. Once logged in, eligibility questions are presented.

CERTIFYING BY TELEPHONE

The weekly continued claim is available by calling the Interactive Voice Response unit (IVR) at 800-850-5627. Pre-recorded messages will present the eligibility questions.

Individuals should listen carefully to each question and the instructions since the menu responses may be different. Some questions will instruct individuals to enter the pound key/hash tag (#) at the end of the answer.

IMPORTANT: Both systems (whether filing online or by phone) will confirm that the claim has been processed successfully. If disconnected before seeing or hearing this message, the process must be repeated until the claim has been successfully submitted.

The current week is the week that just ended on Saturday.

HOURS TO SUBMIT WEEKLY CONTINUED CLAIM

Individuals may submit a weekly continued claim:

Monday through Friday, 8:00 am to 6:00 pm 9:00 am Saturday to 11:30 pm, Sunday

Since the term “claim” is used for both the benefit year claim and the weekly claim, claimant’s confusion is reasonable and retroactive benefits are for the four-week period ending July 2, 2016, provided she is otherwise eligible.

DECISION:

The August 3, 2016, (reference 03) unemployment insurance decision is reversed. The claimant’s request for retroactive benefits is granted.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs