

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHANE BETRO**  
Claimant

**APPEAL 17A-UI-12327-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/05/17  
Claimant: Appellant (2)**

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Iowa Code § 96.6(1) – Filing Claims  
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating  
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

Shane Betro (claimant) filed an appeal from the November 22, 2017, reference 01, unemployment insurance decision that denied his request for backdating. After due notice was issued, a telephone conference hearing was held on December 28, 2017. The claimant participated. During the hearing, the claimant waived notice on the issue of retroactive benefits. Official notice was taken of the administrative record, specifically the fact-finding documents and the claimant's database readout (DBRO).

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the two-week period ending November 18, 2017?

**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 November 5, 2017, with a reopened claim on November 19, 2017. He filed his continued weekly claim for the week ending November 11, 2017 on Friday, November 17, 2017; however, the unemployment insurance system did not properly process the claim even though he received notice it had been processed.

On November 20, 2017, the claimant called Iowa Workforce Development (IWD) to confirm his continued weekly claim had been accepted due to prior unrelated errors and learned it had not been processed. At 5:30 p.m. on November 17, 2017, the claimant's claim became inactive as he had not successfully filed his continued weekly claim. He was unable to file his continued weekly claim for benefits for the week ending November 18, 2017, as his claim had to be reopened. The claimant did not earn any wages or receive any vacation or holiday pay during the two-week period ending November 18, 2017.

**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 an online continued claim for benefits 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. Inability to file an electronic claim due to the system being inoperable is considered a good cause reason for the delay in filing the claim.

The claimant was unable to receive benefits for the week ending November 11, 2017, because of an error in the unemployment insurance online system. Had the claimant's claim not closed due to that error, he would have timely filed his continued weekly claim for the second week on November 20, 2017. It would have been technically impossible for the claimant to reopen his claim in order to file a continued weekly claim for the week ending November 18, 2017. The claim did not close until the deadline to make a weekly claim filing--November 17, 2017, at 5:30 p.m. However, he only had until November 17, 2017, at 4:30 p.m. to reopen the claim. In other words, there was no closed claim for the claimant to reopen. There is nothing else the claimant could have done to prevent this from happening in regard to the second missed weekly claim filing. The claimant has shown a good cause reasons to allow retroactive benefits for the two-week period ending November 18, 2017.

**DECISION:**

The November 22, 2017, reference 01, unemployment insurance decision is reversed. The claimant's request for retroactive benefits for the two-week period ending November 18, 2017 is granted.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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