JOHN M OLSON Claimant **IOWA WORKFORCE DEVELOPMENT** **DEPARTMENT**	**APPEAL 16A-UI-12095-DL-T** **ADMINISTRATIVE LAW JUDGE** **DECISION** **OC: 10/16/16** **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 November 2, 2016, (reference 02) unemployment insurance decision that denied the request to backdate the claim prior to October 16, 2016, when the request was for retroactive benefits during the week-ending October 22, 2016. After due notice was issued, a telephone conference hearing was scheduled for November 29, 2016. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the one-week period ending October 16, 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 October 16, 2016. He did not file continued claims by online web application for the one-week period ending October 22, 2016, while he was at school for union training because his father died that week and he forgot to do so. Claimant is excused from work searches and was available for work during the period in question.

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 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.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

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 he/she wants to start collecting benefits again. Any employment during the break must be reported.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

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.
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

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.

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.

Claimant has presented a good reason for the delay in filing weekly online web application continued claim.

DECISION:

The November 2, 2016, (reference 02) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted.

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Dévon M. Lewis
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs