

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TOMMY R HINDERAKER
Claimant

APPEAL 17A-UI-00991-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/18/16
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 19, 2017 (reference 02), that denied the claimant's request for retroactive benefits. A telephone hearing was held on February 17, 2017. The claimant participated in the hearing. Department Exhibit D-1 was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents and KCCO. 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:

Is the claimant entitled to retroactive benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits during the week of December 18, 2016, in response to a one week layoff from Indoshell Precision Technologies that ended the week of December 24, 2016. The claimant has not filed a claim for unemployment insurance benefits for approximately 20 years. The claimant followed the instructions and established his claim during the week he was unemployed. The claimant also then attempted to make his weekly claim at the end of the week and believed it had gone through successfully. The claimant was informed and understood that he was required to file weekly claims for unemployment insurance benefits using the telephone voice response system to receive benefits. The claimant later learned when he was not paid that his claim had not been successfully transmitted. The claimant seeks to claim benefits for the one week of December 24, 2016.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is eligible for unemployment insurance benefits for the 1 week ending December 24, 2016.

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 has not filed for unemployment insurance benefits for twenty years but followed furnished instructions to establish his claim and file his weekly continued claim at the end of the week. The claimant attempted to both establish his claim and file his weekly continued claim during the week he was unemployed, which ended December 24, 2016. The claimant made a good faith effort to transmit his claim, which failed for unknown reasons. The claimant has established reasonable cause for his delay in filing his weekly claim. Reasonable cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim. Retroactive benefits are allowed for the one week ending December 24, 2016.

DECISION:

The unemployment insurance decision dated January 19, 2017 (reference 02), is reversed. The claimant is eligible to receive retroactive benefits for the one week ending December 24, 2016.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs