

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTWON A BURNSIDE
Claimant

APPEAL 17A-UI-05344-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/16/17
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:

Antwon A. Burnside (claimant) filed an appeal from the May 16, 2017, reference 01, unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was held on June 7, 2017. The claimant participated. Official notice was taken of the administrative record, specifically the claimant's Database Readout (DBIN) for claim year starting March 13, 2016, his continued claims for benefits (KCCO), and the fact-finding documents.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the one-week period ending April 22, 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 April 16, 2017. He did not file continued claims via the internet for the one-week period ending April 22, 2017, and did not inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) until May 15, 2017.

The claimant works for John Deere who had previously opened and reopened his claim for benefits requiring him only to make his continued weekly claim for benefits. The claimant had to file his own claim for benefits in 2016. The claimant's supervisor assisted him in filing his claim during the week and then the claimant filed his continued claim for benefits on Sunday, March 20, 2016. The claimant did not read the paper or online version of the Unemployment Insurance Benefits Handbook.

The week of April 16, 2017, the claimant contacted IWD and received assistance in filing his weekly claim for benefits. He then received his monetary record and believed he had done

everything required to receive benefits. The claimant again did not read the paper or online version of the Unemployment Insurance Benefits Handbook.

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 § 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.

The claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook about filing continued claims for benefits is not considered a good reason for having failed to file his weekly claims. In addition, the claimant was aware of his duty to file both claims and had previously demonstrated his ability to do so. Retroactive benefits are denied.

DECISION:

The May 16, 2017, reference 01, unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn