

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**CRAIG M JOHNSON**  
Claimant

**APPEAL NO. 09A-UI-02857-E2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/23/08**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 10, 2009, reference 02, decision that denied the request for retroactive benefits without having held a fact-finding interview pursuant to 871 IAC 24.9(2)b. After due notice was issued, a telephone conference hearing was held on March 16, 2009. Claimant participated. Nancy Reed was called as a witness. Exhibit A was admitted into evidence.

**ISSUE:**

Is the claimant eligible for retroactive benefits

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The claimant had moved to New Mexico in November of 2008 and was told by the New Mexico Workforce Development program to apply in Iowa for unemployment. The claimant filed a claim for benefits during the week of November 23, 2008. The claimant spoke to a representative of Iowa Workforce Development's Manchester Iowa office who provided incorrect information about how he should proceed with his claim. The claimant understood a representative of Iowa Workforce Development to tell him not to take any action on his claim until a non-monetary (separation) decision had been made in his case. The claimant contacted another representative of Iowa Workforce Development on January 16, 2009 who assisted the claimant.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the claimant is eligible for retroactive benefits for the period November 23, 2008 through January 24, 2009. The administrative law judge concludes that he is. Evidence in the record persuades the administrative law judge that either the claimant received misinformation from an agency representative or the claimant in good faith misunderstood the advice that he was given. In either event, retroactive benefits should be granted.

**DECISION:**

The unemployment insurance decision dated February 10, 2009, reference 02, is reversed. The claimant is eligible for retroactive benefits for the period November 23, 2008 through January 24, 2009.

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James Elliott  
Administrative Law Judge

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Decision Dated and Mailed

jfe/pjs