

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT J KENNEALLY**  
Claimant

**APPEAL NO. 15A-UI-02402-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/30/14  
Claimant: Appellant (2)**

871 IAC 24.2(1)g – Retroactive Weekly Claim

**STATEMENT OF THE CASE:**

Robert Kenneally (claimant) appealed a representative's February 13, 2015, decision (reference 01) that denied the request for retroactive benefits for the period from December 7, 2014, through January 3, 2015. After due notice was issued, a hearing was held on March 26, 2015. Claimant participated personally and through his wife, Cathy Kenneally.

**ISSUE:**

The issue is whether the claimant's request for retroactive unemployment insurance benefits should be denied.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for benefits with an effective date of November 30, 2014. The claimant did report weekly to the agency from December 7, 2014, through January 3, 2015. He thought the computer system was accepting his information. On or about December 31, 2014, the claimant learned the computer system was not accepting his reporting information and he called the department to report the information. The department did not fix the problem. He continued to report weekly. On January 6, 2015, the claimant again reported the issue and the problem was corrected. The claimant requests retroactive benefits from December 7, 2014, through January 3, 2015.

**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 Admin. Code r. 871-24.2(1)g provides:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) § 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has completed a voice response continued claim or claimed benefits as otherwise directed by the department. The weekly voice response continued claim shall be transmitted not earlier than noon of the Saturday of the weekly reporting period and, unless reasonable cause can be shown for the delay, not later than close of business on the Friday following the weekly reporting period.

The claimant has established sufficient grounds for why the computer system shows he failed to file a weekly claim from December 7, 2014, through January 3, 2015. The claim for retroactive benefits is granted.

**DECISION:**

The representative's February 13, 2015, decision (reference 01) is reversed. The claimant's request for retroactive benefits is granted.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs