

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**MATTHEW D MOLESWORTH
APT C 1605 A AVE E
OSKALOOSA IA 52577**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-02650-B4T
OC: 01/11/04 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 871 IAC 24.2(1)g – Whether the Claimant is Eligible for Retroactive Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated March 2, 2004, reference 04, which denied his request for retroactive benefits. After due notice was issued, a telephone hearing was held on March 30, 2004, with the claimant participating.

FINDINGS OF FACT:

Matthew D. Molesworth, filed an initial claim for benefits having an effective date of January 11, 2004. The claimant was last employed with ASI, Inc., and earned wages in the amount of \$2,437.00 during the fourth quarter of 2003.

The claimant filed an initial claim for benefits via telephone and was mailed a copy of the duties and obligations, which would enable him to receive benefits. The claimant did not call in on a weekly basis and file his weekly claims for benefits through a lengthy period of time.

Subsequently, the claimant contacted Workforce Development employees and was informed that he had not filed his weekly claim as required.

The claimant knew or should have known that he was required to file a weekly claim for benefits in order to receive his weekly benefit amount of \$92.00 per week, which was determined at the beginning of his claim.

The claimant was denied benefits for the period from January 11, 2004 until February 14, 2004.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.2(1)g provides:

(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.

An individual claiming benefits using the weekly voice continued claim system shall personally answer and record such claim on the system unless the individual is disabled and has received prior approval from the department.

871 IAC 24.2(1)e provides:

e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's financial institution's account or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

The record clearly establishes that the claimant was required to file a weekly claim for benefits in order to receive unemployment insurance benefits. The claimant did not file a claim for

benefits through the period from January 11, 2004 until February 14, 2004 and was denied benefits.

The administrative law judge concludes that the claimant's request for retroactive benefits for said period should be denied within the intent and meaning of the foregoing sections of the Iowa Administrative Code

DECISION:

The unemployment insurance decision dated March 2, 2004, reference 04, is affirmed. The request of Matthew D. Molesworth for retroactive benefits for the period January 11, 2004 until February 14, 2004 is denied.

kjf/b