

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMANDA J BREDEWEG
Claimant

APPEAL 18A-UI-07356-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/02/17
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 6, 2018, (reference 07) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for July 27, 2018. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending June 30, 2018?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective July 2, 2017. She did not file continued claims by online web application for the two-week period ending June 30, 2018. Claimant did not file a weekly claim for the week ending June 24, 2018, because she forgot. Claimant testified that she is surprised by this, but she looked through her internet history and confirmed that she did not file a claim that week. Claimant attempted to file a claim for benefits for the week ending June 30, 2018, but she was not able to do so because her claim was locked.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is granted in part and denied in part.

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.

What parties often misunderstand about the process is that during the week in which the unemployment occurs, the claimant should open an umbrella-like “original claim” (OC) by the close of business on Friday to establish the general claim for unemployment insurance benefits. In addition, for each week the claimant remains unemployed, they must file a “weekly continued claim” (WCC) to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. That must be done sometime between Sunday and Friday of the following week (see chart below). If a claimant does not file a WCC for one week for any reason and becomes unemployed again, the process must start over by reopening the OC no later than Friday, and filing weekly continued claim sometime between the following Sunday through Friday. No filing of any kind may be done on any Saturday.

On October 1, 2017, a letter about weekly claim filing change information was sent to all claimants, whether the claim was active or not:

Weekly Claim Filing Changes

Beginning with the week ending October 7, 2017, the first day of the week you can report a weekly claim is the Sunday starting at 8 a.m. after the prior week has ended. This means after October 7, 2017, **you can no longer file weekly claims on Saturday of any week.**

In addition, after October 7, 2017, weekly claims must be filed **Sunday** through **Friday** for the prior week only. This means you have six days to file the previous week’s claim. See the chart below for the days available to file your weekly claim. Delay in filing your weekly claim could result in denial of benefits.

You are encouraged to start following the new claims filing process now so that you are used to the new schedule when the changes happen in October. For your convenience, you can file your weekly claim online using a mobile device or computer at www.iowaworkforcedevelopment.gov.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week 1						Last day of week 1 (no filing)
First day to file for week 1	File for week 1	File for week 1	File for week 1	File for week 1	Last day to file for week 1	Last day of week 2 (no filing)
First day to file for week 2	File for week 2	File for week 2	File for week 2	File for week 2	Last day to file for week 2	Last day of week 3 (no filing)
First day to file for week 3	File for week 3	File for week 3	File for week 3	File for week 3	Last day to file for week 3	Last day of week 4 (no filing)

Please see our Q & A at www.iowaworkforcedevelopment.gov/unemployment-insurance-frequently-asked-questions for more information.

You can also contact Unemployment Insurance Customer Service for additional questions:

Unemployment Insurance Customer Service

Email: uicclaimshelp@iwd.iowa.gov

Website: www.iowaworkforcedevelopment.gov

Phone: 1-866-239-0843, Monday-Friday from 8 a.m. - 4:30 p.m.

The September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

Reactivating a Claim

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The *Unemployment Insurance Benefits Handbook* provides in pertinent part at page 20:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending. Payment will not be made for any weeks that are not timely filed. If a weekly claim filing is missed for one or more weeks, a new initial claim application must be filed. It is your responsibility to check the status of your claim during the week to ensure the prior week has been recorded.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- Are currently unemployed or working reduced hours
- Are able to work and available for work
- Have not refused any job offers or referrals to a job
- Are actively looking for work (unless waived)
- Are reporting any pay or pension payment

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of benefits.

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

Elsewhere in the September 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

In this case, claimant was aware she needed to file a weekly claim each week she was seeking benefits. Claimant failed to file her weekly continued claim during the one week ending June 23, because she forgot. This is not a good cause reason for failing to file a weekly claim. However, claimant attempted to timely file her weekly claim the next week. She was unable to because her claim closed after one week of failing to file a continued weekly claim. Although the Unemployment Insurance Handbook addresses reactivating a claim, it does not clearly state that a claim will close after only one week of failing to file a continued weekly claim. Even if it did, it would have been technically impossible for claimant to reopen her claim in order to file a continued weekly claim for the week ending June 30, 2018. There is nothing else claimant could have done to prevent this from happening in regard to the second missed weekly claim filing. Claimant has shown a good cause reason for failing to file her weekly continued claim for the one week ending June 30, 2018. Therefore, claimant's request for retroactive benefits for the one week ending June 30, 2018, is allowed.

DECISION:

The July 6, 2018, (reference 07) unemployment insurance decision is modified in favor of claimant/appellant. The claimant's request for retroactive benefits is denied for the week ending June 23, 2018, and is granted for the week ending June 30, 2018.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/rvs