

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN F ALLEN
Claimant

APPEAL 17A-UI-11531-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/08/17
Claimant: Appellant (4)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the October 31, 2017, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to October 22, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on December 6, 2017. Claimant participated. Claimant provided information indicating that the administrative rules regarding retroactive benefits, rather than those involving backdating, would be more applicable to his situation and therefore waived notice on the issue of retroactive benefits. Claimant's Exhibit A was received into evidence.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the one-week period ending October 14, 2017?

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 October 8, 2017 when his union assignment ended. On Friday, October 13, 2017, claimant was notified that there was a new assignment available for him. Claimant went into his local office in Cedar Rapids on Monday, October 16 and explained that he had already gotten a new assignment. Claimant further explained that he wanted to be sure to get his benefits for the week prior, when he was unemployed, and asked if he needed to do anything further. Claimant was told he did not, though he had not yet filed his weekly claim for the week ending October 14. Claimant therefore assumed that opening his claim was sufficient to make a claim for benefits that week and took no further action. When claimant did not receive benefits he contacted his local office again and was informed that he did not make a claim for the week in question. Claimant has never filed for unemployment insurance benefits in the past.

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 Code section 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 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.

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 September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 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.

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/>

Claimant mistakenly believed that filing his initial claim for benefits was also sufficient to file his weekly claim. Since the term "claim" is used for both the benefit year claim and the weekly claim and because he was mistakenly advised by an Iowa Workforce Development employee that he need not do anything further, claimant's confusion is reasonable and retroactive benefits are allowed for the one-week period ending October 14, 2017, provided he is otherwise eligible.

DECISION:

The October 31, 2017, (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant is granted retroactive benefits for the two week period ending October 14, 2017.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs