

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRACY L EISON**  
Claimant

**APPEAL NO. 07A-UI-01167-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/29/06 R: 03**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)g – Retroactive Weekly Claim

**STATEMENT OF THE CASE:**

Tracy Eison (claimant) appealed a representative's January 26, 2007 decision (reference 03) that denied the request for retroactive benefits for the period from December 3, 2006, through January 13, 2007. After due notice was issued, a hearing was held on February 15, 2007. Claimant participated personally.

**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 October 29, 2006. The claimant received a disqualifying decision dated December 8, 2006. The claimant tried to report on December 9, 2006, but the automated system would not accept her information. On December 11, 2006, appealed decision of December 8, 2006. The claimant thought she had to wait for the results of the appeal and the Iowa Workforce Development office did not advise her to keep filing. The claimant did not call in each week. On January 2, 2007, the claimant participated in her appeal hearing. She received the decision on January 24, 2007, indicating she was eligible to receive unemployment insurance benefits. She was unaware that the Department reopened her claim on January 14, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is allowed.

871 IAC 24.2(1)g provides:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a

voice response continued claim. The biweekly claim for benefit payment shall be mailed not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week immediately following the biweekly reporting period. 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 attempted to report but the system would not allow her to do so. The Department did not advise her to continue to file a weekly claim from December 3, 2006, to January 13, 2007. The claim for retroactive benefits is allowed.

**DECISION:**

The representative's January 26, 2007 decision (reference 03) is reversed. The claimant's request for retroactive benefits is allowed.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/css