

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL J MYERS
Claimant

APPEAL 17A-UI-02623-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/18/16
Claimant: Appellant (1)

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 February 27, 2017, (reference 05) unemployment insurance decision that denied the request for retroactive benefits for three separate weeks. After due notice was issued, a telephone conference hearing was scheduled for March 31, 2017. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the three weeks at issue?

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 September 18, 2016, with an additional claim on March 5, 2017. He did not file continued claims by online web application for the weeks ending September 24, 2016, November 6, 2016, and January 21, 2017. He believed that once a claim was filed the benefits would be paid without further action. He did not check his bank statements or inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) until February 24, 2017, when he filed his taxes. He did not read the paper or online version of the Unemployment Insurance Benefits Handbook or the back of the unemployment insurance decision or the back of the appeal hearing notice that instruct claimants to continue filing weekly claims while an appeal is pending. He filed a continued claim and has received benefits for the week ending March 11, 2017.

REASONING AND CONCLUSIONS OF LAW:

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

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.

The October 2016, *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.

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 October 2016, *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

When to File

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay 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.

Claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook or the back of the unemployment insurance decision or contact IWD customer service is not considered a good reason for having failed to file weekly VRU/online web application continued claims. Retroactive benefits are denied.

DECISION:

The February 27, 2017, (reference 05) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

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