

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEREMY M STEWART
Claimant

APPEAL NO. 11A-UI-05068-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/16/10
Claimant: Appellant (1)

871 IAC 24.2(1)g – Retroactive Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 13, 2011 determination (reference 04) that denied his request for retroactive benefits from August 8, 2010, through March 19, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge denies the claimant's request for retroactive benefits.

ISSUE:

Should the claimant's request for retroactive benefits be denied or granted?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 16, 2010. He filed weekly claims for the weeks ending June 5 through July 31, 2010. The claimant's former employer appealed the representative's determination that held the claimant qualified to receive benefits. An administrative law judge reversed the determination on August 6, 2010. After the claimant received the administrative law judge's decision that denied him benefits as of May 16, 2010, he did not file weekly claims.

The claimant appealed the August 6 decision to the Employment Appeal Board. The claimant reopened his claim during the week of March 20, 2011. After reopening his claim, he then made a request for retroactive benefits.

Even though the claimant was represented by an attorney, the claimant did not understand he needed to file weekly claims while the Employment Appeal Board reviewed the decision he appealed. The claimant does not remember receiving any letters from the Department advising him to file weekly claims when he appealed a decision to the Employment Appeal Board. The claimant did not ask his local Workforce office what he should do about filing claims after he appealed to the Employment Appeal Board.

REASONING AND CONCLUSIONS OF LAW:

When a claimant submits a claim by voice mail response, the claimant must call in on a weekly basis 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. 871 IAC 24.2(1).

The administrative law judge takes official notice that on the back side of a hearing notice it states:

IMPORTANT INFORMATION FOR CLAIMANTS: You should continue to file weekly claims for benefits while this appeal is pending because you will only be paid for weeks in which you have filed valid weekly claims and are otherwise eligible for benefits.

Since the claimant was represented by an attorney, he could have asked his attorney what he needed to do about weekly claims after he appealed an early August decision to the Employment Appeal Board. The information on the hearing notice for the hearing held in early August 2010 put the claimant on notice that he needed to file weekly claims because he would only be paid for weeks in which he had filed claims. If the claimant did not understand this or had questions, he could have contacted his local Workforce office, but he did not do so.

The Department cannot be expected to send out letters to all claimants who have been disqualified from receiving benefits and then appeal to the Employment Appeal Board. The claimant failed to take reasonable steps to make sure he understood the rules he was required to follow to receive benefits. The claimant did not establish good cause to grant his request for retroactive benefits. Therefore, his request for retroactive benefits for August 8, 2010, through March 19, 2011, is denied.

DECISION:

The representative's April 13, 2011 determination (reference 04) is affirmed. The claimant's request for retroactive benefits for August 8, 2010, through March 19, 2011, is denied.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw