

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD M PLUEMER
Claimant

APPEAL NO: 18A-UI-06391-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/13/18
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 30, 2018, (reference 01) unemployment insurance decision that denied retroactive benefits. The claimant was properly notified about the hearing. A telephone hearing was held on June 26, 2018. The claimant participated personally.

The administrative law judge took official notice of the administrative records including the fact-finding documents and the claimant's weekly continued claim history (KCCO). Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request for retroactive benefits for the two-week period ending May 26, 2018 be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed an original claim effective May 13, 2018, in response to a temporary separation. When the claim was filed, the claimant was given the option of reading the Unemployment Insurance Handbook online or a hardcopy, and the claimant agreed that he would read and understand the handbook. The Unemployment Insurance Handbook includes instructions for properly filing claims and informs claimants that failure to follow the instructions can lead to a denial of benefits. The handbook also informs claimants that they should call IWD customer service for help if they don't understand the information in the handbook.

The claimant did not read the paper or online version of the Unemployment Insurance Benefits Handbook as instructed when he established an unemployment insurance claim. When he did read the handbook and through paperwork received, he realized he had failed to make a weekly continued claim for the week ending May 19, 2018. He contacted IWD after May 26, 2018 but

within the prescribed period to make his weekly continued claim for the week ending May 26, 2018.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part the days and hours for filing a claim and weekly claim reporting:

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.

The administrative law judge would note that the new April 2018 version of the *Unemployment Insurance Benefits Handbook* has added new language, including:

If any weekly claim filing is missed during the claim year, an individual must file an initial claim application to reactivate their claim. This would apply even if 1 week is not filed timely.

The claimant earned no wages and did not receive any vacation or holiday pay during the two-week period ending May 26, 2018. He was able and available for work.

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. . Good cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.* Assessing the credibility of the claimant and reliability of the evidence in conjunction with the applicable burden of proof, as shown in the factual conclusions reached in the above-noted findings of fact, the administrative law judge concludes that the claimant has failed to establish a good cause reason for the week ending May 19, 2018.

The credible evidence presented does not support the claimant filing or making attempts to file a weekly continued claim for the week ending May 19, 2018, when he did not read the handbook and misunderstood the process. Therefore, the administrative law judge concludes the claimant has failed to establish a good cause reason for failing to file a continued weekly claim for the one week ending May 19, 2018. However, the claimant attempted to timely file his weekly claim in a timely manner the next week when he contacted IWD for assistance. The claimant would have been unable to file his claim for the week ending May 26, 2018 because the claim closed after one week of failing to file a continued weekly claim. The claimant attempted to receive assistance for completing a weekly continued claim for the week ending May 26, 2018, within the prescribed period to file a weekly continued claim for that week. Based on the evidence presented, the claimant has shown a good cause reason for failing to file a weekly continued claim for the one week ending May 26, 2018. Therefore, the claimant's request for retroactive

benefits for the one week ending May 26, 2018, is allowed, provided the claimant is otherwise eligible.

DECISION:

The May 30, 2018, (reference 01) decision is modified in favor of the claimant/appellant. The request for retroactive benefits for the week ending May 19, 2018 is denied. The request for retroactive benefits for the week ending May 26, 2018 is granted.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn