

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**JENNIFER M KOSITZKY**  
Claimant

**APPEAL NO. 20A-UI-00955-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/01/19  
Claimant: Appellant (1)**

---

Iowa Administrative Code rule 871-24.2(1)(g) – Retroactive Benefits

**STATEMENT OF THE CASE:**

Jennifer Kositzky filed a timely appeal from the January 21, 2020, reference 02, decision that denied her request for retroactive benefits for the period of December 8, 2019 through January 4, 2020. After due notice was issued, a hearing was held on February 18, 2020. Ms. Kositzky participated. Exhibit A and Department Exhibits D-1 through D-4 were received into evidence.

**ISSUES:**

Whether the claimant is eligible for retroactive benefits for the period of December 8, 2019 through January 4, 2020.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Jennifer Kositzky established an original claim for benefits that was effective September 1, 2019. At the time Ms. Kositzky established her claim for benefits, Iowa Workforce Development advised Ms. Kositzky that she was required to file weekly claims in order to receive weekly benefits and provided Ms. Kositzky instructions for filing weekly claims, including the time parameters for filing a weekly claim. At the time Ms. Kositzky established her claim, she acknowledged her obligation to read, know and understand the Unemployment Insurance Handbook that was available to review online at the Agency's website. The Handbook included information about the need to reactivate a lapsed claim before additional weekly claims could be made. Ms. Kositzky filed weekly claims for the period of September 1, 2019 through December 7, 2019 without incident and received benefits for those weeks.

Through oversight on Ms. Kositzky's part, she did not file a weekly claim for the benefit week that ended December 14, 2019 during the required reporting period of 8:00 a.m. Sunday, December 15, 2019 through 4:30 p.m. on Friday, December 20, 2019. In the absence of a weekly claim, Ms. Kositzky did not receive benefits for the week that ended December 14, 2019. In response to Ms. Kositzky not filing a weekly claim for the week that ended December 14, 2019, the claims reporting system locked Ms. Kositzky's claim. Once the claim was locked, it

was necessary for Ms. Kositzky to reopen/reactivate the underlying claim before she recommence making weekly claims.

During the week of December 22-28, 2019, Ms. Kositzky attempted to file a timely *weekly* claim for the benefit week that ended December 21, 2019 without first reopening/reactivating the underlying claim. When the weekly claim reporting system did not allow Ms. Kositzky to file a *weekly* claim, Ms. Kositzky submitted an application to *reopen/reactivate* her claim for benefits. Iowa Workforce Developments records (KLOG) reflect a reopening of the claim effective December 22, 2019. However, other Iowa Workforce Development records (DBRO) do not reflect the reopening of the claim effective December 22, 2019.

Ms. Kositzky did not file a weekly claim for the benefit week that ended December 28, 2019 during the required reporting period of 8:00 a.m. Sunday, December 29, 2019 through 4:30 p.m. on Friday, January 3, 2020. In response to Ms. Kositzky not filing a weekly claim for the week that ended December 28, 2019, the claims reporting system again locked Ms. Kositzky's claim. Once the claim was locked, it was again necessary for Ms. Kositzky to reopen/reactivate the underlying claim before she recommence making weekly claims.

Ms. Kositzky did not file a weekly claim through the automated weekly claim reporting system for the benefit week that ended January 4, 2020 during the required reporting period of 8:00 a.m. Sunday, January 5, 2020 through 4:30 p.m. on Friday, January 10, 2020. However, during the week of January 5-11, 2020, Ms. Kositzky made contact with Iowa Workforce Development on multiple occasions in attempt to understand and resolve the claim reporting issues. On Friday, January 10, 2020, Ms. Kositzky spoke with an Iowa Workforce Development representative who told Ms. Kositzky to go ahead and file another application to reopen/reactivate her claim for benefits. The representative acknowledged at that time the agency record that showed a reopening/reactivation effective December 22, 2019.

After Ms. Kositzky reactivated the claimant effective January 5, 2020, she made additional weekly claims and received benefits in connection with those additional weekly claims.

#### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Administrative Code rule 871-24.2(1)(g) provides as follows:

(g). No continued claim for benefits shall be allowed until the individual claiming benefits has completed a continued claim or claimed benefits as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following the Saturday of the weekly reporting period and, unless reasonable cause can be shown for the delay, not later than close of business on Friday following the weekly reporting period.

Ms. Kositzky, through oversight on her part, failed to file a timely weekly claim for the benefit week that ended December 14, 2019. Ms. Kositzky's oversight does not provide good cause to grant retroactive benefits for the week that ended December 14, 2019. Ms. Kositzky is not eligible for benefits for the week that ended December 14, 2019.

Ms. Kositzky attempted to file a timely weekly claim for the benefit week that ended December 21, 2019, but was unable to do so due to the lock the claims reporting system imposed in response to the absence of a weekly claim for the week that ended December 14, 2019. Because the locked claim was attributable to Ms. Kositzky, there is not good cause to

grant a request for retroactive benefits for the week that ended December 21, 2019. Ms. Kositzky is not eligible for benefits for the week that ended December 21, 2019.

Though Ms. Kositzky's took appropriate steps to reopen/reactivate her claim effective December 22, 2019, she thereafter failed to make timely weekly claims for the week that ended December 28, 2019. Ms. Kositzky's failure to make the weekly claim during the required period does not provide good cause to grant a request for retroactive benefits for the week that ended December 28, 2019. Ms. Kositzky is not eligible for benefits for the week that ended December 28, 2019.

The locked claim that resulted from the absence of a timely weekly claim for the week that ended December 28, 2019 was again attributable to Ms. Kositzky. Even if Ms. Kositzky had attempted to make a timely weekly claim for the week that ended January 4, 2020, she would not have been able to do that because of the locked claim. Because the locked claim was attributable to Ms. Kositzky, there is not good cause to grant a request for retroactive benefits for the week that ended January 4, 2020. Ms. Kositzky is not eligible for benefits for the week that ended January 4, 2020.

**DECISION:**

The January 21, 2020, reference 02, decision is affirmed. The claimant is not eligible for benefits for the period of December 8, 2019 through January 4, 2020. The claimant's request for retroactive benefits is denied.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/scn