

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICHOLAS B PETERSON
Claimant

APPEAL 17A-UI-02440-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/22/17
Claimant: Appellant (2)**

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 March 1, 2017 (reference 03) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for March 28, 2017. Claimant Nicholas B. Peterson participated in the hearing.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the three-week period ending February 11, 2017?

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 January 22, 2017, with a reopened claim on February 12, 2017. Claimant did not file continued claims by online web application for the three-week period ending February 11, 2017, and did not inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) until the week of February 12, 2017.

Claimant testified that he received the Unemployment Insurance Benefits Handbook and he skimmed it, but he did not read it thoroughly and believes he missed the most important information. Claimant now understands that he is expected to read this handbook and be familiar with its contents. Since reopening his claim, claimant has filed continued claims and has received regular weekly benefits since the week ending February 18, 2017.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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 a VRU or 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 *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 13-14:

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 they want to start collecting benefits again.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 9:

FILING WEEKLY CLAIMS

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 received

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 a.m. Saturday through 11:30 p.m. Sunday. Failing to do so can potentially delay benefits.

Failure to investigate availability of unemployment insurance benefits when not related to misinformation is not a good reason to delay filing a claim for benefits.

In most circumstances, claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook is not considered a good reason for However, the administrative law judge understands that this was claimant's first time filing for unemployment insurance benefits. Claimant is strongly cautioned to read the full Unemployment Insurance Benefits Handbook, as it has valuable information pertinent to an unemployed individual who is seeking benefits. As this was claimant's first claim for benefits and he now understands his obligations, retroactive benefits are allowed.

DECISION:

The March 1, 2017 (reference 03) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed