

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARY C SWENSEN
Claimant

APPEAL 18A-UI-03928-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/17/17
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 22, 2018, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for April 23, 2018. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. 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 be granted?

FINDINGS OF FACT:

The claimant filed an original claim effective December 17, 2017, in response to a temporary layoff. She read the claimant handbook as instructed.

On March 11, 2018, the claimant attempted to file his weekly continued claim for the week ending March 10, 2018. The claimant used her personal mobile phone and specifically recalled pressing "submit" for the claim. There was no indication the claim did not go through. Unbeknownst to the claimant, the claim was unsuccessful.

Because the claimant did not successfully file a weekly continued claim for the prior week, her claim closed and she was unable to file the claim for the next week ending March 17, 2018. The claimant attempted to file a weekly continued claim on March 18, 2018, for the week ending March 17, 2018. She received a locked out message due to inactivity. When the claimant recognized the issue, she contacted the Iowa Workforce Development (IWD) on March 21, 2018 and was assisted in reopening the claim.

The claimant earned \$389.40 in wages for the week ending March 10, 2018 (20 hours v. \$19.47 per hour). The claimant earned no wages for the week ending March 17, 2018. The claimant did not receive any vacation or holiday pay during the two-week period ending March 17, 2018. She was able and available for work. Her weekly benefit amount (WBA) is \$128.00.

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 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.

In this case, the claimant made a good faith effort to timely file her weekly continued claim for the week ending March 10, 2018 and believed it had been successfully transmitted. For unknown reasons, the weekly continued claim failed for the week ending March 10, 2018. When the claimant attempted to file a weekly claim in a timely manner the next week, she was unable to because the claim closed after one week of failing to file a continued weekly claim.

Although the Unemployment Insurance Handbook addresses reactivating a claim, it does not clearly state that a claim will close after only one week of failing to file a continued weekly claim. Even if it did, it would have been technically impossible for the claimant to reopen the claim in order to file a continued weekly claim for the week ending March 17, 2018. There is nothing the claimant could have done to prevent the second missed weekly claim filing.

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.

This version of the handbook was not available at the time of the claimant's request for retroactive benefits.

Based on the evidence presented, the claimant has shown a good cause reason for failing to file her weekly continued claim for the two-week period ending March 17, 2018. The claimant's request for retroactive benefits for the two week period ending March 17, 2018, is allowed, provided the claimant is otherwise eligible. The administrative law judge would note the claimant earned wages in excess of her weekly benefit amount for the week ending March 10, 2018 and therefore would not be eligible for benefits for that week.

DECISION:

The March 22, 2018, (reference 01) decision is reversed. The claimant is allowed retroactive benefits for the two-week period ending March 17, 2018, provided she is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn