

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MATTHEW J STONEMAN**  
Claimant

**APPEAL 17A-UI-11110-CL-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/03/17**  
**Claimant: Appellant (2)**

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Iowa Code § 96.6(2) – Timeliness of Appeal  
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 October 10, 2017 (reference 02) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for November 16, 2017. Claimant participated. Claimant's Exhibits A and B were received.

**ISSUES:**

Is the appeal timely?  
Should the claimant's request for retroactive benefits be granted for the one-week period ending September 9, 2017?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The unemployment insurance decision was mailed to the appellant's address of record on October 10, 2017. The appellant/claimant received the decision within the appeal period. Claimant contacted the agency on October 17, 2017, for advice regarding the decision. Claimant was instructed to send an appeal to the UI Claims Help email address. Claimant did so the same day. Claimant was further instructed he would receive a hearing notice in the mail. After about a week and a half, on October 30, 2017, claimant still had not received a hearing notice. Claimant contacted the agency and was given accurate advice to file his appeal with the Appeals Bureau. Claimant filed his appeal the same day.

Claimant filed an original claim effective September 3, 2017. He did not file continued claims by online web application for the one-week period ending September 9, 2017. Claimant was laid off during the one week ending September 9, 2017. Claimant did not earn any wages or receive any vacation or holiday pay that week. Claimant filed his initial claim in a timely manner and was aware he was required to file a weekly continued claim in order to receive benefits. When claimant attempted to file his continued weekly claim on Saturday, September 9, 2017, he received an error message that instructed him to stop in his local office. Claimant attempted to

call the agency that day, but the office was not open. Claimant could not stop in the office the next week as he was back at work. Claimant received his monetary record in the mail that week, and he mistakenly believed that he was supposed to have waited to file his weekly continued claim until after receiving the record. He therefore tried again the next weekend to file his claim for the week ending September 9, 2017. Claimant did not understand how to bypass the request to file his claim for the week ending September 16, 2017, while still being truthful and so he did not file the claim. Claimant contacted the agency on September 25, 2017, and was instructed that he would be granted retroactive benefits. That did not occur. Claimant contacted the agency again on October 6 and October 9, 2017, until he finally received a decision denying his request for retroactive benefits.

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

The first issue to be considered in this appeal is whether the appellant's appeal is timely. The administrative law judge determines it is.

Iowa Code § 96.6(2) provides, in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The claimant's failure to file an appeal within the appeal period was solely because of incorrect information received from an IWD customer service advisor. He found out about the misinformation upon a second phone call to IWD, and filed an appeal immediately thereafter. This delay was prompted by and perpetuated by the agency. See, Iowa Admin. Code r. 871-24.35(2). Therefore, the appeal shall be accepted as timely.

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.

The September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 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. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

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 he/she wants to start collecting benefits again. Any employment during the break must be reported.

The September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

**Filing Weekly Claims**

**How to File**

After you file your initial claim, file weekly claims online at [iowaworkforcedevelopment.gov](http://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.

Elsewhere in the September 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

**File a Claim**

Hours: Sunday through Friday, 8:00 am to 4:30 pm  
[www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov)  
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

**Weekly Claim Reporting**

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm  
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

Given the error message, claimant's unsuccessful attempts to file continued claims online and resolve the issue by contacting workforce advisors or customer service are considered good reasons for the delay in filing weekly online web application continued claims.

**DECISION:**

The October 10, 2017, (reference 02) unemployment insurance decision is reversed. The appeal is timely. The claimant's request for retroactive benefits is granted.

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Christine A. Louis  
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Decision Dated and Mailed

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