

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

APRIL M SWAYNE

Claimant

APPEAL NO. 14A-UI-09157-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/20/14

Claimant: Appellant (2)

871 IAC 24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 26, 2014, reference 01, that denied the claimant's request for retroactive benefits. A telephone hearing was held on September 24, 2014. The claimant participated in the hearing.

ISSUE:

Is the claimant entitled to retroactive benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits during the week of April 20, 2014. The claimant was informed and understood that she was required to file weekly claims for unemployment insurance benefits online or using the telephone voice response system to receive benefits. The claimant called the telephone voice response system to file weekly claims for the weeks ending July 19, July 26, August 2, and August 9, 2014. She filed the claims exactly how she had done so in the past and was never informed that the claims were not being accepted. The claimant was able to work, available for work, and actively seeking work each week in question.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is eligible for unemployment insurance benefits for the weeks ending July 19, July 26, August 2, and August 9, 2014.

The unemployment insurance rules provide: "No continued claim for benefits shall be allowed until the individual claiming benefits has completed a voice response continued claim or claimed benefits as otherwise directed by the department. The weekly voice response continued claim shall be transmitted not earlier than noon of the Saturday of the weekly reporting period and, unless reasonable cause can be shown for the delay, not later than close of business on the Friday following the weekly reporting period." 871 IAC 24.2(1)g.

The claimant has established reasonable cause for her delay in filing her weekly claims. Reasonable cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim. The claimant testified very believably about calling in each week and not discovering the problem until after the week ending August 9, 2014.

DECISION:

The unemployment insurance decision dated August 26, 2014, reference 01, is reversed. The claimant is eligible to receive retroactive benefits for the weeks ending July 19, July 26, August 2, and August 9, 2014.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/can