

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TANNER J PORTER
Claimant

APPEAL 18A-UI-00445-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/01/17
Claimant: Appellant (1)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the January 9, 2018 (reference 01) unemployment insurance decision that denied his request for retroactive benefits for the period of December 17, 2017 through January 6, 2018. The claimant was properly notified of the hearing. A telephone hearing was held on February 2, 2018. The claimant participated personally. Shari Porter participated as a witness on behalf of the claimant. The administrative law judge took administrative notice of the claimant's unemployment insurance records.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the three-week period ending January 6, 2018?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an initial claim effective January 1, 2017. He filed an additional claim for benefits effective December 17, 2017 because his claim had locked due to inactivity. He did not file a weekly claim online for the three-week period beginning December 17, 2017 and ending January 6, 2018, and did not inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) approximately three weeks after filing his additional claim for benefits. When he attempted to file his weekly-continued claim online, his claim was locked due to inactivity. He did not read the paper or online version of the Unemployment Insurance Benefits Handbook.

REASONING AND CONCLUSIONS OF LAW:

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

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.

What parties often misunderstand about the process is that during the week in which the unemployment occurs, the claimant should open an umbrella-like “original claim” (OC) by the close of business on Friday to establish the general claim for unemployment insurance benefits. In addition, for each week the claimant remains unemployed, they must file a “weekly continued claim” (WCC) to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. That must be done sometime between Sunday and Friday of the following week (see chart below). If a claimant does not file a WCC for one week for any reason and becomes unemployed again, the process must start over by reopening the OC no later than Friday, and filing weekly continued claim sometime between the following Sunday through Friday. No filing of any kind may be done on any Saturday.

On October 1, 2017, a letter about weekly claim filing change information was sent to all claimants, whether the claim was active or not:

Weekly Claim Filing Changes

Beginning with the week ending October 7, 2017, the first day of the week you can report a weekly claim is the Sunday starting at 8 a.m. after the prior week has ended. This means after October 7, 2017, **you can no longer file weekly claims on Saturday of any week.**

In addition, after October 7, 2017, weekly claims must be filed **Sunday** through **Friday** for the prior week only. This means you have six days to file the previous week’s claim. See the chart below for the days available to file your weekly claim. Delay in filing your weekly claim could result in denial of benefits.

You are encouraged to start following the new claims filing process now so that you are used to the new schedule when the changes happen in October. For your convenience, you can file your weekly claim online using a mobile device or computer at www.iowaworkforcedevelopment.gov.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week 1						Last day of week 1 (no filing)
First day to file for week 1	File for week 1	File for week 1	File for week 1	File for week 1	Last day to file for week 1	Last day of week 2 (no filing)
First day to file for week 2	File for week 2	File for week 2	File for week 2	File for week 2	Last day to file for week 2	Last day of week 3 (no filing)
First day to file for week 3	File for week 3	File for week 3	File for week 3	File for week 3	Last day to file for week 3	Last day of week 4 (no filing)

Please see our Q & A at www.iowaworkforcedevelopment.gov/unemployment-insurance-frequently-asked-questions for more information.

You can also contact Unemployment Insurance Customer Service for additional questions:

Unemployment Insurance Customer Service

Email: uicclaimshelp@iwd.iowa.gov

Website: www.iowaworkforcedevelopment.gov

Phone: 1-866-239-0843, Monday-Friday from 8 a.m. - 4:30 p.m.

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 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
<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/>

Claimant filed an additional claim for benefits effective December 17, 2017; however, he did not file a weekly-continued claim for benefits for the week of December 17, 2017 through December 23, 2017. Because he did not file a weekly-continued claim for benefits, his claim locked again due to inactivity, and he was unable to file his weekly-continued claim for the benefit week of December 24, 2017 through December 30, 2017. Even at that time, claimant did not seek out assistance from IWD but waited until a later date to contact his local office. Claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook in regard to filing an additional claim and his weekly-continued claim is not considered a good cause reason for his failure to file his weekly-continued claims. Retroactive benefits are denied.

Claimant is urged to review information in the Unemployment Insurance Benefits Handbook at: https://www.iowaworkforcedevelopment.gov/sites/search.iowaworkforcedevelopment.gov/files/documents/ClaimantHandbook_2017-18.pdf

DECISION:

The January 9, 2018 (reference 01) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs