

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SHAUNTAL M DEAN
2019½ PIERCE ST
SIOUX CITY IA 51104

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-06103-HT
OC: 02/27/05 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2(1)g – Filing Claim

STATEMENT OF THE CASE:

The claimant, Shauntal Dean, filed an appeal from a decision dated May 25, 2005, reference 02. The decision disqualified her request to receive retroactive unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 28, 2005. The claimant participated on her own behalf.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Shauntal Dean filed a claim for unemployment benefits with an effective date of February 27, 2005. She filed her claim for a total of four

weeks, then received a decision from a workforce representative denying her benefits as a result of her separation from employment.

Ms. Dean did not read the instructions contained on the decision, nor did she consult with a workforce representative on the continuation of her claim. She filed an appeal and stopped calling in a weekly basis. She reopened her claim effective May 1, 2005.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant may receive retroactive benefits. The judge concludes she should not.

871 IAC 24.2(1)g provides:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a voice response continued claim. The biweekly claim for benefit payment shall be mailed not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week immediately following the biweekly reporting period. 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.

Ms. Dean received the necessary instructions regarding the weekly filing of her claim on the decision which initially disqualified her. Rather than read the instruction, consult with her workforce representative or read the information she received at the time she filed her claim, she ceased calling in on a weekly basis until the disqualification was removed from her claim. Failure to read and follow the instructions does not constitute good cause for making her claim retroactive.

DECISION:

The representative's decision of May 25, 2005, reference 02, is affirmed. The claimant's request to make her claim retroactive is denied.

bgh/sc