

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TIMOTHY R NOLTE**  
Claimant

**APPEAL 17A-UI-11138-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/18/16**  
**Claimant: Appellant (2)**

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Iowa Code § 96.6(1) – Filing Claims  
Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the October 16, 2017, (reference 03) unemployment insurance decision that denied the request to backdate the additional claim for benefits prior to October 8, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on November 16, 2017. Claimant waived notice on the issue of whether he was eligible for retroactive benefits during the one week ending October 7, 2017. Claimant participated personally and through his spouse, Janet Nolte. Claimant's Exhibit A was received.

**ISSUE:**

Is claimant eligible for retroactive benefits for the one week ending October 7, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of December 18, 2016, and an additional claim date effective September 3, 2017. Claimant filed weekly continued claims for the two weeks ending September 16, 2017, and returned to work on September 18, 2017. Claimant was laid off again on September 27, 2017.

On September 30, 2017, claimant received a notice from the agency stating that *after* October 7, 2017, he would no longer be allowed to file a continued weekly claim on Saturdays. [Exhibit A] On Saturday, October 7, 2017, claimant attempted to file his continued weekly claim for the week ending October 7. The online system would not allow claimant to file a claim for that week, and he could not call the customer service line as it was a Saturday. At this point there was no claim for claimant to reopen, as his claim was still open. Claimant attempted to file his weekly claim again on Sunday, October 8, 2017, but by that time he was locked out of his claim because of a break in reporting status and was required to reopen his claim. Claimant reopened his claim on Monday, October 9, 2017, with an effective date of October 8, 2017. Claimant could not go back and file his weekly claim for the week ending October 7, 2017, at that point. Claimant did not earn any wages or receive any vacation or holiday pay during the one week ending October 7, 2017.

**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 § 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.

In this case, claimant attempted to file his continued weekly claim in a timely manner in accordance with the instructions given to him by the agency. He was unable to do so due to a technical error. Claimant has presented a good cause reason for failing to file his weekly claim.

**DECISION:**

The October 16, 2017, (reference 03) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted for the one week ending October 7, 2017. Claimant did not earn any wages that week or receive any vacation or holiday pay.

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Christine A. Louis  
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Decision Dated and Mailed

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