

**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**

**TRENT W WILSON
2326 SUNSET BLVD
CEDAR FALLS IA 50613-5634**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-06290-HT
OC: 01/29/06 R: 03
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 - Backdating

STATEMENT OF THE CASE:

The claimant, Trent Wilson, filed an appeal from a decision dated June 9, 2006, reference 02. The decision denied his request for retroactive unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 10, 2006. The claimant participated on his 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: Trent Wilson filed a claim for unemployment benefits with an effective date of January 29, 2006. The records of Iowa Workforce Development

indicate he did not make any of the weekly calls to continue his claim until the week ending May 20, 2006.

Mr. Wilson maintained he called in every week but did not make any effort to contact Iowa Workforce Development or go to his local office to inquire why he was not receiving benefits. He made certain assumptions based on appeal hearings which were scheduled. It was not until approximately May 16, 2006 he went to the Workforce Center in Waterloo, Iowa, to inquire why he was not receiving benefits and at that time he was informed there was no record of his weekly contacts since he filed his claim.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant has provided good cause to have his claim for unemployment benefits made retroactive. The judge concludes he has 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.

The claimant has not provided any evidence, in the form of phone records or other witnesses, to indicate he actually contacted the correct phone number to make his weekly report. He also has failed to present any valid reason for failing to address this matter for nearly four months. Without more evidence in the record, the administrative law judge cannot find Mr. Wilson has presented sufficient evidence to allow retroactive benefits.

DECISION:

The representative's decision of June 9, 2006, reference 02, is affirmed. The claimant's request for retroactive benefits is denied.

bgh/cs