

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CRAIG L MILES**  
Claimant

**APPEAL NO. 16A-UI-10177-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT**

**OC: 01/03/16**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)(a) & (h)(1) & (2) – Backdated Claim  
871 IAC 24.2(1)(e) & (g) – Retroactive Benefits

**STATEMENT OF THE CASE:**

Craig Miles filed a timely appeal from the September 16, 2016, reference 03, decision that denied his request for retroactive benefits for the period of August 28, 2016 through September 10, 2016. An appeal hearing was set for October 3, 2016 and Mr. Miles was properly notified. Mr. Miles registered a telephone number for the hearing. Upon review of the online appeal and the agency's administrative records, the administrative law judge concluded a hearing was not necessary and that a decision granting the requested remedy could be entered based on the content of the online appeal and the agency's administrative records.

**ISSUE:**

Whether there is good cause to backdate the additional claim for benefits to a date prior to September 11, 2016.

Whether there is good cause to allow retroactive benefits for the period of August 21, 2016 through September 10, 2016.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Craig Miles established an original claim for benefits that was effective January 3, 2016. Mr. Miles established an additional claim for benefits that was effective July 3, 2016. Mr. Craig then made timely weekly claims through the week that ended September 17, 2016. The weeks for which Mr. Miles made weekly claims included the four-week period of July 24, 2016 through August 20, 2016, during which time Mr. Miles was not only back at work, but also earning more than \$15.00 above his weekly benefit amount. Due to the wages Mr. Miles reported for that four-week period, the Workforce Development computer system changed Mr. Miles claim status to inactive. For the week that ended August 27, 2016, Mr. Miles was working, but reported wages less than his \$447.00 weekly benefit amount. For the weeks that ended September 3, 10, and 17, 2016, Mr. Miles reported that he was not working and had zero wages. On September 9, 2016, Iowa Workforce Development sent the following notice to Mr. Milles:

Your reported wages are in excess of your weekly unemployment insurance amount plus \$15. Wages of more than \$462 have been reported on your weekly claim at least four consecutive weeks. No additional benefits will be paid at this time. If you are currently employed, weekly continued claims are no longer required.

If your income has decreased, you may file an additional claim application to determine your eligibility for unemployment benefits.

During the week of September 11, 2016, Mr. Miles took steps to establish a second additional claim that Workforce Development has thus far deemed effective September 11, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-24.2(1)h(1), (2) and (3) provide:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

h. Effective starting date for the benefit year.

(1) Filing for benefits shall be effective as of Sunday of the current calendar week in which, subsequent to the individual's separation from work, an individual reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(2) The claim may be backdated prior to the first day of the calendar week in which the claimant does report and file a claim for the following reasons:

Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;

There is scheduled filing in the following week because of a mass layoff;

The failure of the department to recognize the expiration of the claimant's previous benefit year;

The individual is given incorrect advice by a workforce development employee;

The claimant filed an interstate claim against another state which has been determined as ineligible;

Failure on the part of the employer to comply with the provisions of the law or of these rules;

Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;

Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating shall not be allowed at the change of a calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

Iowa Administrative Code section 871 IAC 24.2(1)(e) and (g) provide as follows:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

24.2(1) Section 96.6 of the employment security law of Iowa states that claims for benefits shall be made in accordance with such rules as the department prescribes. The department of workforce development accordingly prescribes:

e. In order to maintain continuing eligibility for benefits during any continuous period of unemployment, an individual shall report as directed to do so by an authorized representative of the department. If the individual has moved to another locality, the individual may register and report in person at a workforce development center at the time previously specified for the reporting.

The method of reporting shall be weekly if a voice response continued claim is filed, unless otherwise directed by an authorized representative of the department. An individual who files a voice response continued claim will have the benefit payment automatically deposited weekly in the individual's account at a financial institution or be paid by the mailing of a warrant on a biweekly basis.

In order for an individual to receive payment by direct deposit, the individual must provide the department with the appropriate bank routing code number and a checking or savings account number.

The department retains the ultimate authority to choose the method of reporting and payment.

g. 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.

An individual claiming benefits using the weekly voice continued claim system shall personally answer and record such claim on the system unless the individual is disabled and has received prior approval from the department.

The individual shall set forth the following:

(1) That the individual continues the claim for benefits;

- (2) That except as otherwise indicated, during the period covered by the claim the individual was unemployed, earned no wages and received no benefits, was able to work and available for work;
- (3) That the individual indicates the number of employers contacted for work;
- (4) That the individual knows the law provides penalties for false statements in connection with the claim;
- (5) That the individual has reported any job offer received during the period covered by the claim;
- (6) Other information required by the department.

The online appeal and the agency's administrative records provide good cause to backdate the effective date of the additional claim for benefits to August 21, 2016 and to allow retroactive benefits for the period of August 21, 2016 through September 17, 2016, provided Mr. Miles meets all other eligibility requirements. The agency's records reflect that Mr. Miles acted in good faith and made consecutive timely weekly claims for benefits during a time when he reasonably believed he had an active claim for benefits. Mr. Miles took timely and appropriate steps to reactivate the claim in response to the belated notice from the agency that his claim was no longer deemed active.

**DECISION:**

The September 16, 2016, reference 03, decision is reversed. Good cause exists to backdate the effective date of the additional claim for benefits to August 21, 2016 and to allow retroactive benefits for the period of August 21, 2016 through September 17, 2016, provided the claimant meets all other eligibility requirements.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs