

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON M SCHMIDT
Claimant

APPEAL NO. 14A-UI-00929-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/17/13
Claimant: Appellant (2/R)

871 IAC 24.2(1)g – Retroactive Weekly Claim

STATEMENT OF THE CASE:

Jason Schmidt (claimant) appealed a representative's January 30, 2014, decision (reference 03) that denied the request for retroactive benefits for the ten-week period ending December 28, 2013. A hearing was held on January 30, 2014. Claimant participated personally.

ISSUE:

The issue is whether the claimant's request for retroactive unemployment insurance benefits should be denied.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for benefits with an effective date of March 17, 2013. The claimant filed each week through approximately the middle of October 2013. The computer would not allow him to certify his claim. He sought help from the Burlington, Iowa, office. They told him to keep trying. He sought help from the Des Moines, Iowa, office but could not get through. He repeatedly asked for help for weeks. Finally the department allowed the claimant benefits through the week ending October 19, 2013. The department did not help the claimant to certify his claim and keep his claim open.

REASONING AND CONCLUSIONS OF LAW:

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

871 IAC 24.35(1) provides:

- (1) Except as otherwise provided by statute or by division rule, any payment, appeal, application, request, notice, objection, petition, report or other information or document submitted to the division shall be considered received by and filed with the division:

a. If transmitted via the United States postal service, on the date it is mailed as shown by the postmark, or in the absence of a postmark the postage meter mark of the envelope in which it is received; or if not postmarked or postage meter marked or if the mark is illegible, on the date entered on the document as the date of completion.

b. If transmitted by any means other than the United States postal service on the date it is received by the division.

The claimant has established sufficient grounds for having failed to file a weekly claim for the ten week period ending December 28, 2013. The claim for retroactive benefits is allowed. The matter is remanded to Claims.

DECISION:

The representative's January 17, 2014, decision (reference 03) is affirmed. The claimant's request for retroactive benefits is allowed through the benefit week ending December 28, 2013. The matter is remanded to Claims.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css