

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VICTORIA ARCHER
Claimant

APPEAL 17A-UI-07151-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 02/12/17
Claimant: Appellant (1)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the July 3, 2017 (reference 02) unemployment insurance decision that denied her request for retroactive benefits for the period of April 16, 2017 to June 24, 2017. The claimant was properly notified of the hearing. A telephone hearing was held on July 31, 2017. The claimant, Victoria Archer, participated personally. Claimant's Exhibits A and B were admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance records as well as the fact-finding documents.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the nine-week period ending June 24, 2017?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed a claim effective February 12, 2017. She filed weekly claims for benefits for each week through April 15, 2017. She did not file a weekly claim for the nine-week period beginning April 16, 2017 and ending June 24, 2017. It appears from the claimant's administrative records that the first week that no weekly claim for benefits was made by claimant was the first week following the decision to deny her benefits made by Administrative Law Judge Johnson (see 17A-UI-03082-LJ-T) which was issued on April 14, 2017.

She did not inquire with Iowa Workforce Development (IWD) until the week of June 18, 2017 regarding her weekly claims. She tried to file her weekly claims online and the computer system notified her that her weekly claim was not filed. See Exhibit A. In Exhibit A, there are several dates where there was a claim warning stating that that system was currently not available or that an unexpected error occurred while processing your request. See Exhibit A. Claimant did not contact IWD until the week of June 18, 2017, even though she was receiving these error messages.

Claimant did read the online version of the Unemployment Insurance Benefits Handbook. Claimant was able to and available for work during April 16, 2017 through June 24, 2017. Claimant also made job searches during this time-period. See Exhibit B.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.6(1) provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Iowa Admin. Code r. 871-24.2(1)g provides:

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

(1) § 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:

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.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

CLAIM EFFECTIVE DATE

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed.

and

REACTIVATING A CLAIM

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

Filing Weekly Claims How to File

After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- are currently unemployed or working reduced hours
- are able to work and available for work
- have not refused any job offers or referrals to a job
- are actively looking for work (unless waived)
- are reporting any pay or pension payment

When to File

The current week is the week that just ended on Saturday. **Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay benefits.**

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

(emphasis added).

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. It was clear claimant knew she was experiencing complications when she was filing her weekly benefits because she received error messages. See Exhibit A. The handbook specifically states that “[y]ou will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.” Claimant's failed to contact IWD customer service for assistance. Claimant has failed to establish any good reason for having failed to file her online weekly claims from April 16, 2017 through June 24, 2017. Retroactive benefits are denied.

DECISION:

The July 3, 2017 (reference 02) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs