

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**NOEL M ISLEY**  
Claimant

**APPEAL 16A-UI-11119-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/15/16**  
**Claimant: Appellant (1)**

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Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 14, 2016, (reference 06) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for October 27, 2016. Claimant participated. Official notice was taken of the administrative record of claimant's benefit payment history and continued claims filing, with no objection.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the three-week period ending October 8, 2016?

**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 May 15, 2016. Claimant requested retroactive benefits for the three-week period ending October 8, 2016 (weeks ending September 24, 2016, October 1, 2016, and October 8, 2016). Claimant did not file continued claims by voice response unit (VRU) or online web application for the three-week period ending October 8, 2016.

Prior to September 24, 2016, claimant received a letter from Iowa Workforce Development (IWD) stating he did not need to search for work anymore as long as he continued to go to school because all the criteria would be met. Claimant believed that this meant he did not need to file his continued claims for the weeks he wanted benefits and he did not file for benefits for three weeks (weeks ending September 24, 2016, October 1, 2016, and October 8, 2016). Claimant realized that he had not received his unemployment insurance benefits deposit on a Friday. Claimant then checked online and was informed that his account was locked. Claimant called IWD in Des Moines on October 11, 2016 and was told that he had not filed a continued claim for three weeks. Claimant was instructed to file an appeal about the denial of retroactive benefits.

Claimant used to check every week to make sure his unemployment benefits were deposited, but then he stopped checking every week. When claimant filed his initial claim for benefits, he received the Unemployment Insurance Benefits Handbook. Claimant was aware that he had to file a weekly claim for benefits if he wanted benefits for that week. The sole reason claimant did not file his continued claim was because he had received the letter.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes 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) 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:

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 *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 5:

#### **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 they want to start collecting benefits again.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 9:

#### **CLAIMING BENEFITS EACH WEEK**

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 received

Eligibility can be certified online or by phone.

**CERTIFYING ONLINE**

The weekly continued claim is available on the IWD website at [www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov). Individuals must follow the instructions to log in. Once logged in, eligibility questions are presented.

**CERTIFYING BY TELEPHONE**

The weekly continued claim is available by calling the Interactive Voice Response unit (IVR) at 800-850-5627. Pre-recorded messages will present the eligibility questions.

Individuals should listen carefully to each question and the instructions since the menu responses may be different. Some questions will instruct individuals to enter the pound key/hash tag (#) at the end of the answer.

**IMPORTANT:** Both systems (whether filing online or by phone) will confirm that the claim has been processed successfully. If disconnected before seeing or hearing this message, the process must be repeated until the claim has been successfully submitted.

The current week is the week that just ended on Saturday.

**HOURS TO SUBMIT WEEKLY CONTINUED CLAIM**

Individuals may submit a weekly continued claim:

Monday through Friday, 8:00 am to 6:00 pm 9:00 am Saturday to 11:30 pm, Sunday

In order to be eligible for weekly benefits, claimant must file a VRU or online web application continued claim or show good cause for the failure to do so to support a request for retroactive benefits. Prior to September 24, 2016, claimant received a letter from IWD that told him he did not need to perform job searches. The letter did not tell claimant to stop filing his continued claims. Claimant's assumption that he would not have to file continued claims after he received the letter from IWD and his failure to inquire with IWD until October 11, 2016 is not considered a good cause reason for having failed to file weekly VRU/online web application continued claims. Retroactive benefits are denied.

**DECISION:**

The October 14, 2016, (reference 06) unemployment insurance decision is affirmed. Claimant's request for retroactive benefits is denied.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/pjs