

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PEGGY J OWENS
Claimant

APPEAL 18A-UI-07055-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/24/17
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 filed an appeal from the June 26, 2018, (reference 04) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for July 18, 2018. Claimant Peggy J. Owens participated in the hearing. The administrative law judge took official notice of the administrative record.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending June 23, 2018?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective December 24, 2017, with an additional claim on June 10, 2018, and a reopened claim on June 24, 2018. She did not file continued claims by online web application for the two-week period ending June 23, 2018. Claimant believes that she tried to file her claim for benefits online on June 17 and again on June 24, but she hit a wrong button and accidentally opened her claim again instead. Claimant has filed for benefits in the past and knows how to file weekly claims. She now files her claims at the local office.

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 section 96.6(1) provides:

96.6 Filing — determination — appeal.

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

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.

The September 2017, version of the *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. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

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 September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 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. Payment will not be made for any weeks that are not timely filed. If a weekly claim filing is missed for one or more weeks, a new initial claim application must be filed. It is your responsibility to check the status of your claim during the week to ensure the prior week has been recorded.

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

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------------------|------------------------------------|
| Start of UI claim week one | | | | | | Last day of week one (no filing) |
| First day to file week one | File for week one | File for week one | File for week one | File for week one | Last day to file for week one | Last day of week two (no filing) |
| First day to file week two | File for week two | File for week two | File for week two | File for week two | Last day to file for week two | Last day of week three (no filing) |
| First day to file week three | File for week three | File for week three | File for week three | File for week three | Last day to file for week three | Last day of week four (no filing) |

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of 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.

Elsewhere in the September 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

Claimant has not presented evidence to show that retroactive benefits are warranted in this case. The administrative law judge did not find claimant's testimony that she simply made the same mistake two weeks in a row to be credible. Therefore, retroactive benefits are denied.

DECISION:

The June 26, 2018, (reference 04) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn