

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAWUNDA J MOGGA
Claimant

APPEAL NO: 15A-UI-00299-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/26/14
Claimant: Appellant (2)**

871 IAC 24.2(1)g – Retroactive Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 30, 2014 (reference 02) determination that denied his request for retroactive benefits for the weeks ending November 8 through December 6, 2014. The claimant participated at the February 24, 2015 hearing. Magdy Salama interpreted the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request for retroactive benefits.

ISSUE:

Should the claimant's request for retroactive benefits be granted or denied?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of October 26, 2014. When the claimant had an interview, he understood a Workforce representative told him he was not to file weekly claims because his former employer did not want to the claimant to receive benefits. The claimant understood he had to wait to file a weekly claim until he had a hearing with an administrative law judge. When he had an appeal hearing, an administrative law judge advised him to file weekly claims. The claimant started filing weekly claims after he participated at a hearing in mid-December 2014.

The claimant looked for work during the weeks ending November 8 through December 6, 2014. He made a request for retroactive benefits for these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant must file online or call in on a weekly basis 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. 871 IAC 24.2(1).

The claimant understood a Department representative told him he could not file any weekly claims until he had a hearing and received a decision from an administrative law judge. Since English is not the claimant's primary language, the claimant may have misunderstood

what the representative told him. Under the facts of this case, the claimant established a reasonable explanation for not filing his weekly claims on time. As a result, the claimant's request for retroactive benefits for the weeks ending November 8 through December 6, 2014 is granted.

DECISION:

The representative's December 30, 2014 (reference 02) determination is reversed. The claimant established a reasonable explanation for failing to file timely weekly claims. Based on the circumstances in this case, the claimant's request for retroactive benefits for the weeks ending November 8 through December 6, 2014 is granted.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can