

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAUL E HARVEY**  
Claimant

**APPEAL NO: 13A-UI-04295-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/25/12  
Claimant: Appellant (2)**

871 IAC 24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated April 8, 2013, reference 04, that denied his request for retroactive benefits for the nine-weeks ending March 30, 2013 is denied. A telephone hearing was held on April 27, 2013. The claimant participated.

**ISSUE:**

The issue is whether the claimant had a sufficient ground to justify or excuse the delay in the filing of his claim.

**FINDINGS OF FACT:**

The administrative law judge having heard the claimant's testimony and having considered the evidence in the record, finds: The claimant filed an unemployment claim effective November 25, 2012. The department issued a decision December 14, 2012 that denied UI benefits on a disciplinary layoff. Claimant states he never received this decision.

Claimant returned to work at ADS-R-US about December 1. He separated from employment on January 9, 2013 and the department issued a February 7 decision that denied benefits. Claimant appealed. Although he filed an additional UI claim on this employment separation, the department locked his claim and he was unable to submit claims at that time.

An ALJ issued a decision on March 29, 2013 that reversed the department decision and allowed claimant benefits. This decision unlocked claimant's claim, but it does not permit him to go back and file UI claims for the prior nine-week period that is the reason for his appeal. Claimant is currently denied benefits because of a department decision that states he has not re-qualified from his November 25, 2012 disciplinary layoff suspension.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.2(1)g provides:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a voice response continued claim. The biweekly claim for benefit payment shall be mailed not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week immediately following the biweekly reporting period. 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 administrative law judge concludes that the claimant established a justifiable cause for the delay in filing claims for the nine-week period ending March 30, 2013, and his request for a retroactive benefit for the week ending 2012, is approved.

Claimant was locked-out by the department from submitting claims due to a department disqualification decision. This lock was not removed until an ALJ issued claimant a favorable decision on March 29 from his employment separation.

**DECISION:**

The department decision dated April 8, 2013, reference 04, is reversed. Claimant's request for retroactive benefits for the nine-week period ending March 30, 2013 is approved. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/tll