

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MIKE E WHITED
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 16A-UI-07500-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/05/16
Claimant: Appellant (2)

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 29, 2016, (reference 03) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for July 27, 2016. The claimant participated personally. Department exhibit D-1 was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the three-week period ending June 25, 2016?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed a claim effective June 5, 2016. When the claimant opened his claim, he met with an IWD representative at the Cedar Rapids office to assist him. During the meeting, he was informed that he may be denied benefits based on the fact that two of his four employers in his base period were educational institutions. The representative did not explain that while the decisions were made with regard to the two educational institutions, that the claimant should file a weekly claim, or how to file his continued weekly claim. Based on the information furnished by the IWD representative when the claimant opened his claim, he believed his benefits all hinged upon whether or not the claims involving the two educational institution employers were successful. Consequently, he did not inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) until after a week following his June 23, 2016 fact-finding interview, in which he was told he would receive a decision.

The claimant did not read the paper or online version of the Unemployment Insurance Benefits Handbook or the back of the unemployment insurance decision or the back of the appeal hearing notice that instruct claimants to continue filing weekly claims while his case is pending. He has filed continued claims since the week ending July 2, 2016, when he was advised by a Des Moines representative that he should have been filing for benefits each week.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 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.

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.

In order to be eligible for weekly benefits, the 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. Iowa Admin. Code r. 871-24.2(1)g.

The claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook or the back of the unemployment insurance decision or the back of the appeal hearing notice about continuing to file claims during the appeal process is not considered a good reason for having failed to file weekly VRU/online web application continued claims. However, since the Workforce Advisor did not offer full or accurate advice regarding the claim process, (which included to continue to file a VRU/online application while the claim was being adjudicated) but rather focused on his benefits being contingent upon the outcome of his claims with his educational institution employers, the claimant became reasonably confused and has established good cause for delaying the filing of his continued weekly claims. Benefits are granted for the three-week period ending June 25, 2016.

The claimant is strongly encouraged to obtain and read a copy of the claimant handbook, either online or through his local office.¹

DECISION:

The June 29, 2016, (reference 03) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted. Benefits are allowed, provided he is otherwise eligible, and meets all other requirements for benefits.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/pjs

ⁱ The website for the claimant handbook is contained on page one of the hearing decision for easy access.