

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KIMBERLY A BARNES
Claimant

APPEAL 17A-UI-10294-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/17/17
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 October 4, 2017, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for October 25, 2017. The claimant participated personally. 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?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective September 17, 2017, in response to a one week furlough at Honeywell. She did not file a weekly claim by online web application for the one-week period ending September 23, 2017, and did not inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) until after returning to work and learning her fellow co-workers were receiving unemployment insurance benefit payments for the week they had been furloughed.

She did not read the paper or online version of the Unemployment Insurance Benefits Handbook as instructed when she established her unemployment insurance claim. Instructions for filing a claim are contained in the October 2016, and June 2017, versions of the *Unemployment Insurance Benefits Handbook*, on pages 13- 14 and 19-20, including:

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.

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

When to File

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay benefits. <https://uiclaims.iwd.iowa.gov/weeklyclaims/1>

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.

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.

In this case, the claimant failed to file a weekly claim for the one week period ending September 23, 2017. The claimant did not read the handbook containing instructions on filing her claim. The administrative law judge is sympathetic to the claimant, but based on the evidence presented, the administrative law judge concludes the claimant has not established good cause for her delay in filing her weekly continued claims. Good cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim. Accordingly, the claimant's request for retroactive benefits is denied.

¹ The link was added in the June 2017, handbook and leads to information about a required PIN.

DECISION:

The October 4, 2017, (reference 01) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn