

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFREY SWANSON
Claimant

APPEAL 18A-UI-07192-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/30/17
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 July 3, 2018, (reference 03), unemployment insurance decision that denied claimant's request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on July 23, 2018. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the one-week period ending June 9, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective July 30, 2017. Claimant was temporarily laid off during the one week ending June 9, 2018. He filed an additional claim effective June 3, 2018. He did not file continued claims by online web application for the one-week period ending June 9, 2018, because he did not realize he was required to do so.

By July 2, 2018, claimant had not received payment. Claimant contacted Iowa Workforce Development and requested retroactive benefits.

The *Unemployment Insurance Benefits Handbook*, which is available to every claimant online, provides:

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 they want to start collecting benefits again. Any employment during the break must be reported. If any weekly claim filing is missed during the claim year, an individual must file an initial claim application to reactivate their

claim. This would apply even if 1 week is not filed timely. Refer to the instructions in the “Filing Weekly Claim” section.

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 filed timely. 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.

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:

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(1) 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 benefit payment shall be allowed until the individual claiming benefits has completed a continued claim online or as otherwise directed by the department.

(1) The weekly continued claim shall be transmitted not earlier than 8 a.m. on the Sunday following the Saturday of the weekly reporting period and not later than close of business on the Friday following the weekly reporting period.

In this case, claimant failed to file a weekly continued claim and therefore did not receive benefit payment for the one week ending June 9, 2018. While the claimant may have presented evidence that would have previously been considered "reasonable cause" for failing to file the weekly claim for the one week ending June 9, 2018, effective June 27, 2018, Iowa Admin. Code r. 871-24.2(1)g(1) no longer provides an exception for failing to file a weekly continued claim. According to the recently adopted rule, a weekly claim **MUST** be timely filed in order to receive a benefit payment. Accordingly, the administrative law judge has no choice other than to deny the request for retroactive benefits.

DECISION:

The July 3, 2018, (reference 03) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn