

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HEATH A GLIENKE
Claimant

APPEAL 18A-UI-03693-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/28/18
Claimant: Appellant (1)**

Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 20, 2018, (reference 01), unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for April 10, 2018. Claimant participated. Official notice was taken of the administrative record with no objection.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the seven-week period ending March 17, 2018?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective January 28, 2018, with a reopened claim effective March 18, 2018. Claimant requested retroactive benefits for the seven-week period ending March 17, 2018.

Around February 1, 2018, claimant opened his claim for benefits online with an effective date of January 28, 2018. When claimant opened his claim for benefits he scanned the Unemployment Insurance Benefits Handbook but he did not read it closely. Claimant opened his claim for benefits because his last severance payment was issued on January 31, 2018. Claimant did not file his weekly continued claims for the seven-week period ending March 17, 2018. Claimant was not aware that he had to file weekly continued claims for each week he wanted benefits. Claimant first became aware that there was issue with his benefits on March 19, 2018, when he discovered he should have been filing weekly continued claims each week he was requesting benefits. Claimant then reopened his claim with an effective date March 18, 2018. On March 19, 2018, claimant called Iowa Workforce Development regarding his benefits and requested retroactive benefits for the seven-week period ending March 17, 2018. Claimant successfully filed his weekly continued claim for the week-ending March 24, 2018.

For the week-ending February 3, 2018, claimant earned approximately \$350.00 in wages, received (on January 31, 2018) approximately \$3400.00 in a severance payment for the month of January 2018, was able to and available for work, and made at least two employer contacts.

For the week-ending February 10, 2018, claimant earned approximately \$350.00 in wages, was able to and available for work, and made at least two employer contacts. For the week-ending February 17, 2018, claimant earned approximately \$350.00 in wages, was able to and available for work, and made at least two employer contacts. For the week-ending February 24, 2018, claimant earned approximately \$350.00 in wages, was able to and available for work, and made at least two employer contacts. For the week-ending March 3, 2018, claimant earned approximately \$350.00 in wages, was able to and available for work, and made at least two employer contacts. For the week-ending March 10, 2018, claimant earned approximately \$350.00 in wages, was able to and available for work, and made at least two employer contacts. For the week-ending March 17, 2018, claimant earned approximately \$350.00 in wages, was able to and available for work, and made at least two employer contacts.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes 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 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 continued claim or claimed benefits 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, unless reasonable cause can be shown for the delay, not later than close of business on the Friday following the weekly reporting period.

(2) An individual claiming benefits using the weekly continued claim system shall personally answer and record such claim on the system unless the individual is disabled and has received prior approval from the department.

(3) The individual shall set forth the following:

1. That the individual continues the claim for benefits;
2. That except as otherwise indicated, during the period covered by the claim, the individual was fully or partially unemployed, earned no gross wages and received no benefits, was able to work and available for work;
3. That the individual indicates the number of employers contacted for work;

4. That the individual knows the law provides penalties for false statements in connection with the claim;
5. That the individual has reported any job offer received during the period covered by the claim;
6. Other information required by the department

What parties often misunderstand about the process is that during the week in which the unemployment occurs, the claimant should open an umbrella-like “original claim” (OC) by the close of business on Friday to establish the general claim for unemployment insurance benefits. In addition, for each week the claimant remains unemployed, they must file a “weekly continued claim” (WCC) to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. That must be done sometime between Sunday and Friday of the following week (see chart below). If a claimant does not file a WCC for one week for any reason and becomes unemployed again, the process must start over by reopening the OC no later than Friday, and filing weekly continued claim sometime between the following Sunday through Friday. No filing of any kind may be done on any Saturday.

The 2017-2018 version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

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 he/she wants to start collecting benefits again. Any employment during the break must be reported.

The 2017-2018 version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

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

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.

Elsewhere in the 2017-2018 version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

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. Good cause involves circumstances beyond the claimant’s control that prevent a claimant from filing a prompt and proper claim.

Claimant testified he scanned the Unemployment Insurance Benefits Handbook. On page 19, the Unemployment Insurance Benefits Handbook specifically states: “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.” If claimants do not file their weekly continued claims, IWD will not know if they are still seeking benefits. The handbook also informs claimants that they should call IWD customer service for help if they don’t understand the information in the handbook. The Unemployment Insurance Benefits Handbook also informs claimants on pages 19 and 20: “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.”

Although claimant properly initiated/opened his claim with an effective date of January 28, 2018, he failed to file his weekly continued claims for the next seven weeks (the seven-week period ending March 17, 2018). Furthermore, claimant waited until March 19, 2018 before he contacted IWD to inquire about why he did not receive benefits for the seven-week period ending March 17, 2018. Claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook is not considered a good reason for having failed to file his weekly continued claims for the seven-week period ending March 17, 2018. Retroactive benefits are denied.

DECISION:

The March 20, 2018, (reference 01) unemployment insurance decision is affirmed. Claimant's request for retroactive benefits is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs