

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEPHANIE A ASHLINE
Claimant

APPEAL 18A-UI-02882-JP-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/03/17
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 20, 2018, (reference 03), unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for March 30, 2018. Claimant participated. David Steil testified on claimant's behalf. Official notice was taken of the administrative record with no objection.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending November 25, 2017?

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 September 3, 2017. After claimant opened her claim for benefits with an effective date of September 3, 2017, she successfully filed her weekly continued claims for the eight-week period ending November 18, 2017.

On Sunday, November 19, 2017, claimant attempted to file her weekly continued claim by online web application for the week-ending November 18, 2017. Claimant filed this weekly continued claim the same way she filed her previous eight weekly continued claims. Claimant testified she thought she successfully submitted this weekly continued claim. Claimant did not receive an error message and nothing unusually occurred. The deadline to file a weekly continued claim for that week was Friday, November 24, 2017 at 5:30 p.m.

On Sunday, November 26, 2017, claimant attempted to file her weekly continued claim by online web application for the week-ending November 25, 2017, but she was unable to because her claim was locked due to a break in reporting. Because claimant did not file her weekly continued claim for one week (the week-ending November 18, 2017), her account had locked and she was unable to file a weekly continued claim for the one-week ending November 25, 2017. Claimant then reactivated her claim. Claimant started a new job the first week of December 2017.

For the week-ending November 18, 2017, claimant did not earn any wages, was able to and available for work, and made at least two employer contacts. For the week-ending November 25, 2017, claimant did not earn any 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 granted.

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

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.

For the week-ending November 18, 2017: The administrative record reflects that claimant did not successfully file her weekly continued claims for the two-week period ending November 25, 2017. The Unemployment Insurance Benefits Handbook states: "You must file a weekly claim for any week that you want payment[.]" The Unemployment Insurance Benefits Handbook 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." Therefore, claimant had from 8:00 a.m. on Sunday, November 19, 2017 until 5:30 p.m. on Friday, November 24, 2017 to file her weekly continued claim for the week-ending November 18, 2017. Claimant credibly testified she thought she successfully filed her weekly continued claim on Sunday, November 19, 2017. Claimant also credibly testified that she filed this weekly continued claim the same way she had the previous eight weeks and she did not receive an error message on November 19, 2017. Claimant further credibly testified that nothing unusual happened when she attempted to file this weekly continued claim. Given claimant's history (eight previous weeks) of successfully filing her weekly continued claims and her testimony that she thought everything went through successfully again, and she did not receive any error message, her belief that she successfully filed her weekly continued claim for the week-ending November 18, 2017 was reasonable and is considered a good cause reason for the delay in filing the weekly continued claim for the week-ending November 18, 2017. Therefore, claimant's request for retroactive benefits for the week-ending November 18, 2017 is granted.

For the week-ending November 25, 2017: It is noted that claimant's deadline to file his weekly continued claim for the week-ending November 18, 2017 was Friday, November 24, 2017 at 5:30 p.m. Claimant credibly testified she thought she had successfully filed her weekly continued claim for the week-ending November 18, 2017. However, the administrative record

reflects that claimant failed to successfully file a weekly continued claim for the week-ending November 18, 2017. Because claimant failed to successfully file a weekly continued claim for the week-ending November 18, 2017, her claim locked. Claimant did not become aware her weekly continued claim was not successful until Sunday, November 26, 2017, when she attempted to file her weekly continued claim for the week-ending November 25, 2017. On November 26, 2017, claimant was not able to file her weekly continued claim for the week-ending November 25, 2017 because her claim had locked due to the break in reporting. In order for claimant to have been able to successfully file her weekly continued claim for the week-ending November 25, 2017, she would have had to reactivate her claim by 4:30 p.m. on November 24, 2017. However, because claimant's claim was not yet locked on November 24, 2017 at 4:30 p.m. (claimant's claim did not lock until 5:30 p.m. on November 24, 2017), it was impossible for her to reactive her claim because there was no locked claim for her to reactivate. Therefore, claimant has shown a good cause reason for failing to file her weekly continued claim for the week-ending November 25, 2017. Claimant's request for retroactive benefits for the week-ending November 25, 2017 is granted.

Based on the above reasons, claimant's request for retroactive benefits for the two-week period ending November 25, 2017 is granted.

DECISION:

The February 20, 2018, (reference 03) unemployment insurance decision is reversed. Claimant's request for retroactive benefits is granted for the two-week period ending November 25, 2017.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs