

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DIANE F CRIST
Claimant

APPEAL 15A-UI-11577-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/02/15
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 October 15, 2015 (reference 02) unemployment insurance decision that denied the claimant's request for retroactive benefits. The parties were properly notified about the hearing. A telephone hearing was held on November 2, 2015. The claimant participated personally. The administrative law judge took official notice of the administrative record, including fact-finding documents.

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 a claim effective August 2, 2015 and was issued an initial decision which denied benefits based upon separation. The claimant filed an appeal and the decision was reversed, allowing benefits. During the period of August 23, 2015 through September 26, 2015, the administrative records do not reflect the claimant filed a continued claim by VRU/online web application. On approximately October 2, 2015, the claimant called Iowa Workforce Development and reports she was told by Judy and then Tammy that there was a hold on her account; and if she could fax in her work searches, her claim would be restored. The claimant sent a fax to IWD on October 4, 2015 with her work searches and she has filed continued claims and has received regular weekly benefits since the benefit week ending October 10, 2015.

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) § 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. The claimant has demonstrated sufficient grounds for failure to file her weekly claims. Based on the evidence presented, the claimant believed she had made appropriate weekly continued claims, (and provided proof of job searches) and incomplete information was provided by IWD when she called, retroactive benefits are granted between August 23, 2015 and September 26, 2015, provided she is otherwise eligible.

DECISION:

The October 15, 2015 (reference 02) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted, provided she meets all other eligibility requirements.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/can