

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MELISSA N SHATAVA**  
Claimant

**APPEAL 17A-UI-13425-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/05/17  
Claimant: Appellant (1)**

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Iowa Code § 96.6(1) – Filing Claims  
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the December 26, 2017 (reference 03) unemployment insurance decision that denied her request for retroactive benefits for the period of November 19, 2017 through December 9, 2017. The claimant was properly notified of the hearing. A telephone hearing was held on January 23, 2018. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance record.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the three-week period ending December 9, 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 November 5, 2017. She filed two weekly-continued claims for the week ending November 11, 2017 and November 18, 2017. She then received two decisions finding that she was not eligible for benefits due to not being able to and available for work and due to a separation from employment. She filed an appeal to both adverse decisions. She did not file weekly-continued claims online for the three-week period ending December 9, 2017 because she had been denied benefits and was waiting for the appeal hearings to be held. She did not read the paper or online version of the Unemployment Insurance Benefits Handbook in full that instructs claimants to continue to file weekly claims during the appeals process. She did not read the back of the Notice of Appeal and Telephone Hearing that instructs claimants to continue to file weekly claims for unemployment insurance benefits while an appeal is pending.

**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. If a claimant does not file a weekly-continued claim for one week for any reason and becomes unemployed again, the process must start over by reopening the original claim 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 September 2017, 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 September 2017, 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](http://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 September 2017, 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](http://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/>

Claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook or the back of the unemployment insurance decision or the back of the appeal hearing notice about continuing to file claims during the appeal process is not considered a good reason for having failed to file weekly-continued claims. Retroactive benefits are denied. Claimant is urged to review information in the Unemployment Insurance Benefits Handbook at: [https://www.iowaworkforcedevelopment.gov/sites/search.iowaworkforcedevelopment.gov/files/documents/ClaimantHandbook\\_2017-18.pdf](https://www.iowaworkforcedevelopment.gov/sites/search.iowaworkforcedevelopment.gov/files/documents/ClaimantHandbook_2017-18.pdf)

**DECISION:**

The December 26, 2017 (reference 03) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits from November 10, 2017 through December 9, 2017 is denied.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs