

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHELLY L FINE
Claimant

APPEAL 18A-UI-03256-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/12/17
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 March 7, 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 5, 2018. Claimant participated. Sally Fine participated on claimant's behalf. Claimant Exhibit A was admitted into evidence with no objection. 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 February 24, 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 March 12, 2017, with an additional claim effective February 18, 2018. Claimant requested retroactive benefits for the two-week period ending February 24, 2018. Claimant testified she did not receive a letter from Iowa Workforce Development (IWD) in October 2017 explaining she could not file her weekly continued claims on Saturdays.

Claimant was placed on a temporary layoff for the two-week period ending February 24, 2018. Approximately a week before claimant was placed on layoff, she was notified by the employer that she was going to be laid off for two to four weeks. At this time the employer gave claimant a piece of paper ("Unemployment Benefits Application Process") with instructions on how to file unemployment insurance benefits online. Claimant Exhibit A. The paper explained how and when to file unemployment insurance benefits. Claimant Exhibit A. Claimant read the paper that was provided by the employer and it instructed her to file her weekly continued claims on Saturday. See Claimant Exhibit A.

On Saturday, February 17, 2018, claimant logged in to her account so she could file her weekly continued claim for the week-ending February 17, 2018. After claimant logged in, she filled out a series of questions. Claimant thought she was filing her weekly continued claim by online web application for the week-ending February 17, 2018. Claimant testified when she finished the questions she did not receive any verification or confirmation notice. At the end of the questions, the system informed claimant that she was done.

On Saturday, February 24, 2018, claimant logged in to her account so she could file her weekly continued claim for the week-ending February 24, 2018. After claimant logged in, she filled out a series of questions. Claimant thought she was filing her weekly continued claim by online web application for the week-ending February 24, 2018. Claimant testified when she finished the questions she did not receive any verification or confirmation notice. At the end of the questions, the system informed claimant that she was done.

On Monday, February 26, 2018, claimant returned to work. During this time period, claimant received a debit card in the mail. On March 7, 2018, claimant went to Iowa Workforce Development because she had not received any unemployment insurance benefits on her debit card. The IWD employee told claimant that she had not successfully filed her weekly continued claims.

For the week-ending February 17, 2018, claimant did not earn any wages, but she was able to and available for work. For the week-ending February 24, 2018, claimant did not earn any wages, but she was able to and available for work.

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

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.

On October 1, 2017, a letter about weekly claim filing change information was sent to all claimants, whether the claim was active or not:

Weekly Claim Filing Changes

Beginning with the week ending October 7, 2017, the first day of the week you can report a weekly claim is the Sunday starting at 8 a.m. after the prior week has ended. This means after October 7, 2017, **you can no longer file weekly claims on Saturday of any week.**

In addition, after October 7, 2017, weekly claims must be filed **Sunday** through **Friday** for the prior week only. This means you have six days to file the previous week's claim. See the chart below for the days available to file your weekly claim. Delay in filing your weekly claim could result in denial of benefits.

You are encouraged to start following the new claims filing process now so that you are used to the new schedule when the changes happen in October. For your convenience, you can file your weekly claim online using a mobile device or computer at www.iowaworkforcedevelopment.gov.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week 1						Last day of week 1 (no filing)
First day to file for week 1	File for week 1	File for week 1	File for week 1	File for week 1	Last day to file for week 1	Last day of week 2 (no filing)
First day to file for week 2	File for week 2	File for week 2	File for week 2	File for week 2	Last day to file for week 2	Last day of week 3 (no filing)
First day to file for week 3	File for week 3	File for week 3	File for week 3	File for week 3	Last day to file for week 3	Last day of week 4 (no filing)

Please see our Q & A at www.iowaworkforcedevelopment.gov/unemployment-insurance-frequently-asked-questions for more information.

You can also contact Unemployment Insurance Customer Service for additional questions:

Unemployment Insurance Customer Service

Email: uiclaimshelp@iwd.iowa.gov

Website: www.iowaworkforcedevelopment.gov

Phone: 1-866-239-0843, Monday-Friday from 8 a.m. - 4:30 p.m.

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.

Prior to claimant's layoff, her employer gave her a list of instructions about the "Unemployment Benefits Application Process[.]" Claimant Exhibit A. The employer's instructions "strongly encouraged" claimant to file her weekly continued claims on Saturdays. Claimant Exhibit A. Although the employer advised claimant to file her weekly continued claim on Saturday, the

online system will not allow her to file her weekly continued claims on Saturday. Unemployment Insurance Benefits Handbook (“Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only.”).

On Saturday, February 17, 2018, claimant followed her employer’s instructions and attempted to file her weekly continued claim for the week-ending February 17, 2018. Claimant testified after she answered the questions, the system told her she was done and she thought that meant she was successful. On Saturday, February 24, 2018, claimant again followed her employer’s instructions and attempted to file her weekly continued claim for the week-ending February 24, 2018. Claimant testified after she answered the questions, the system told her she was done and she thought that meant she was successful.

Given the system’s message that she was done, claimant’s belief she had successfully filed her weekly continued claims was reasonable and is considered a good reason for the delay in filing the weekly online web application continued claim. Furthermore, misrepresentation from the employer about filing weekly claims is considered a good cause reason for claimant having failed to file her weekly continued claims successfully for the two-week period ending February 24, 2018. Claimant’s request for retroactive benefits for the two-week period ending February 24, 2018 is granted.

DECISION:

The March 7, 2018, (reference 01) unemployment insurance decision is reversed. Claimant’s request for retroactive benefits is granted.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs