

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CHRISTOPHER L HARTWIG**  
Claimant

**APPEAL 18A-UI-05818-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/29/18  
Claimant: Appellant (1)**

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 May 18, 2018 (reference 01) unemployment insurance decision that denied his request for retroactive benefits for the period of April 29, 2018 through May 12, 2018. The claimant was properly notified of the hearing. A telephone hearing was held on June 8, 2018. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the two-week period ending May 12, 2018?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds:

Claimant filed a claim effective April 29, 2018 and reopened his claim effective May 13, 2018. Claimant had been separated from employment on Friday, May 4, 2018 and filed his initial claim for benefits that same day. As such, his initial claim date reverted to the previous Sunday, April 29, 2018.

Claimant did not file a weekly-continued claim for the week-ending May 5, 2018 because he assumed he did not have to do so. After he failed to file a weekly-continued claim for the week-ending May 5, 2018 during the time period of Sunday, May 6, 2018 through Friday, May 11, 2018, his claim locked due to inactivity.

Claimant contacted Iowa Workforce Development on Thursday, May 17, 2018 regarding his initial claim and his initial claim was reopened effective May 13, 2018. However, he was unable to file a weekly-continued claim for the week-ending May 12, 2018 because his claim continued to remain locked until Sunday, May 13, 2018 due to his inactivity in filing his first weekly-continued claim for benefits.

Claimant was able to and available for work for the week-ending May 5, 2018. He earned vacation pay of \$246.00 and gross wages of \$565.03 during the week-ending May 5, 2018. Claimant did make at least two employer contacts for the week-ending May 5, 2018. Claimant was able to and available for work the week-ending May 12, 2018. He did not earn any wages, vacation pay, or holiday pay for the week-ending May 12, 2018. He did make at least two employer contacts for the week-ending May 12, 2018. Claimant has not refused any offers of work.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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

For each week the claimant remains totally or partially unemployed, they must file a weekly-continued claim to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. This process in filing a weekly-continued claim must be done sometime between Sunday and Friday of the following week. 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 reactivating the initial claim no later than Friday at 4:30 p.m.

The April of 2018 *Unemployment Insurance Benefits Handbook*, provides 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 they want to start collecting benefits again. Any employment during the break must be reported. If any weekly claim filing is missed during the claim year, an individual must file an initial claim application to reactivate their claim. This would apply even if 1 week is not filed timely.

The April of 2018 *Unemployment Insurance Benefits Handbook*, provides at pages 20 - 21:

#### **Filing Weekly Claims**

##### **How to File**

After you file your initial claim, file weekly claims online at [www.iowaworkforcedevelopment.gov](http://www.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. Payment will not be made for any weeks that are not timely filed. If a weekly claim filing is missed for one or more weeks, a new initial claim application must be filed. It is your responsibility to check the status of your claim during the week to ensure the prior week has been recorded.

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.

In the April of 2018 version of the handbook at page 8, contact information includes days and hours for filing an initial claim (including reopening an initial claim) and weekly-continued 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/>

In order to be eligible for weekly benefits, the claimant must file an online weekly-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.

The Unemployment Insurance Benefits Handbook states: "You must file a weekly claim for any week that you want payment[.]" 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 informs claimants on page 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." The handbook further states, "[Y]ou 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."

In this case, the claimant assumed that he did not have to file his weekly-continued claim for the week-ending May 5, 2018 and did not follow the handbook that states "[y]ou 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". When he did not file his weekly-continued claim for benefits for that week, his claim locked due to inactivity. Claimant then did not file a weekly-continued claim for the week-ending May 12, 2018 because he did not have an active claim. Claimant's failure to follow the instructions in the Handbook is not considered a good cause reason to grant retroactive benefits. Retroactive benefits are denied for the two-week period ending May 12, 2018.

**DECISION:**

The May 18, 2018 (reference 01) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs