

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TINA M HASKEN**  
Claimant

**APPEAL 18A-UI-01853-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/31/17  
Claimant: Appellant (2)**

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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 filed a timely appeal from the February 6, 2018, (reference 01) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a hearing was scheduled and held by telephone conference call on March 6, 2018. The claimant participated personally. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the two-week period ending February 3, 2018?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective December 31, 2017.

The claimant demonstrated ability and knowledge of filing weekly continued claims after establishing her claim for unemployment insurance benefits. The administrative records corroborate the claimant's testimony that she routinely files her weekly continued claims (after attending church) on Sundays.

On Sunday, January 28, 2018, the claimant went online and attempted to file her weekly continued claim for the week ending January 27, 2018. The claimant stated the screens viewed were consistent with prior weekly continued claims, and there was no indication that the claim had not been successfully transmitted. For unknown reasons, the claim was not transmitted.

Because claimant did not file her weekly continued claim for one week, her claim closed. Consequently, when the claimant attempted to file her weekly continued claim on Sunday, February 4, 2018, for the week ending February 3, 2018, she received a locked out message

and she was unable to file the claim. When the claimant recognized the issue, she contacted Iowa Workforce Development (IWD) on February 5, 2018, and was assisted in reopening the claim.

The claimant did not earn any wages or receive any vacation or holiday pay during the two week period ending February 3, 2018. The claimant was able to and available for work.

### **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 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.

The December 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 they want to start collecting benefits again. Any employment during the break must be reported.

The December 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 December 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/>

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.

The credible evidence presented supports the claimant made a good faith effort to timely file her weekly continued claim for the week ending January 27, 2018. The claimant routinely files her weekly continued claims on Sunday afternoons, as evidenced by the administrative records, and the claimant’s testimony. She did so on January 28, 2018, in order to complete her weekly continued claim for the week prior, but for unknown reasons, the claimant’s weekly continued

claim was not transmitted. Because the claimant's weekly continued claim for the week ending January 27, 2018 failed, the account closed due to inactivity. Consequently, the claimant was unable to file her weekly continued claim the next Sunday, February 4, 2018, for the week ending February 3, 2018, because the claim closed after one week of failing to file a continued weekly claim.

Although the Unemployment Insurance Handbook addresses reactivating a claim, it does not clearly state that a claim will close after only one week of failing to file a continued weekly claim. Even if it did, it would have been technically impossible for claimant to reopen the claim in order to file a continued weekly claim for the week ending February 3, 2018. The claim did not close until the deadline to make a weekly claim filing—February 2, 2018, at 5:30 p.m. However, claimant only had until February 2, 2018, at 4:30 p.m. to reopen the claim. In other words, there was no closed claim for claimant to reopen. There is nothing claimant could have done to prevent the second missed weekly claim filing.

Based on the evidence presented, the claimant has shown a good cause reason for failing to file her weekly continued claim for the two week period ending February 3, 2018. Therefore, the claimant's request for retroactive benefits for the two week period ending February 3, 2018, is allowed, provided the claimant is otherwise eligible.

**DECISION:**

The February 6, 2018 (reference 01) decision is reversed. The claimant is allowed retroactive benefits for the two week period ending February 3, 2018, provided she is otherwise eligible.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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