

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

RANDY K BUSKE
304 – 12TH ST NW
POCAHONTAS IA 50574

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-03162-BT
OC: 02/13/05 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2(1)g – Retroactive Benefits

STATEMENT OF THE CASE:

Randy Buske (claimant) appealed an unemployment insurance decision dated March 22, 2005, reference 03, which held that his request for retroactive benefits is denied. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on April 13, 2005. The claimant participated in the hearing.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for benefits with an effective date of

February 13, 2005. He was given the required reporting instructions. The claimant mistakenly assumed that no benefits could be collected if the employer protested the claim until after a decision was issued.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant's request for retroactive benefits should be granted.

871 IAC 24.2(1)g provides:

g. No continued claim for benefits shall be allowed until the individual claiming benefits has furnished to the department a signed Form 60-0151, Claim for Benefits, or filed a voice response continued claim. The biweekly claim for benefit payment shall be mailed not earlier than noon of the second Saturday of the biweekly reporting period and, unless reasonable cause can be shown for the delay, not later than Friday of the week immediately following the biweekly reporting period. 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.

The claimant has not established any reasonable cause for his delay in filing his weekly claims. Reasonable cause involves circumstances beyond the claimant's control that prevent a claimant from filing a prompt and proper claim. Lack of knowledge is not considered a good cause reason for having failed to file weekly claims. The claimant's request for retroactive benefits are denied.

DECISION:

The unemployment insurance decision dated March 22, 2005, reference 03, is affirmed. The claimant's request for retroactive benefits is denied.

sdb/sc