

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ALSON PICKEY**  
Claimant

**APPEAL 18A-UI-01289-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/01/17  
Claimant: Appellant (1)**

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Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 19, 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 February 22, 2018. Claimant participated. Official notice was taken of the administrative record with no objection.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the one-week period ending January 6, 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 January 1, 2017, with a reopened and an additional claim effective December 31, 2017. Claimant requested retroactive benefits during this claim year for the week-ending January 6, 2018.

Claimant testified on Wednesday, January 3, 2018, he went to his local Iowa Workforce Development (IWD) office in Cedar Rapids. Claimant informed the IWD employee that he was on a temporary layoff. The IWD employee instructed claimant he had to reactivate his claim. Claimant testified he then reactivated his claim on January 3, 2018 at the local IWD office. Claimant testified on Friday, January 5, 2018, he attempted to file his weekly continued claim for the week-ending January 6, 2018. Claimant did not get a confirmation notification that his attempt was successful.

On Sunday, January 14, 2018, claimant went to the library and attempted to file his weekly continued claim for the week-ending January 13, 2018. When claimant attempted to file his weekly continued claim, he was instructed that he needed to file a new claim for a new benefit year. The administrative record reflects that claimant's benefit year had expired on January 7, 2018. Around January 17, 2018, claimant went to his local IWD office to discuss his claim.

Claimant explained what happened and was told that he did not properly file his weekly continued claims. The IWD employee then helped claimant open a new benefit year with an effective date of January 14, 2018.

For the week-ending January 6, 2018, claimant did not earn any wages and was able to and available for work. For the week-ending January 13, 2018, claimant did not earn any wages and 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 denied.

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.

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/>

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 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 pages 19 and 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.” Therefore, claimant had from 8:00 a.m. on Sunday, January 7, 2018 until 5:30 p.m. on Friday, January 12, 2018 to file his weekly continued claim for the week-ending January 6, 2018. Claimant attempted to file his weekly continued claim too early on Friday, January 5, 2018. Furthermore, claimant did not receive a confirmation notice when he attempted to file his weekly continued claim on January 5, 2018 and should have been on notice that his weekly continued claim was not successful. The Unemployment Insurance Benefits Handbook instructs claimants: “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."

Because weekly continued claims are filed for the previous week, the earliest claimant could have filed his weekly continued claim for the week-ending January 6, 2018 was Sunday, January 7, 2018. Claimant's decision to attempt to file his weekly continued claim for the week-ending January 6, 2018, on Friday, January 5, 2018, is not considered a good cause reason for failing to successfully file his weekly continued claim. Therefore, claimant's request for retroactive benefits is denied.

**DECISION:**

The January 19, 2018, (reference 01) unemployment insurance decision is affirmed. Claimant's request for retroactive benefits is denied.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs