

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KASANDRA E GONZALES
Claimant

APPEAL 15A-UI-13864-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/01/15
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 filed an appeal from the December 15, 2015, (reference 02) unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for January 11, 2015. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the five-week period ending December 5, 2015?

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 November 1, 2015, with a reopened claim on December 6, 2015. She did not file continued claims by voice response unit (VRU) or online web application for the five-week period ending December 5, 2015, and did not inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) until after the November 24, 2015, unemployment insurance decision allowing benefits based upon the separation from Tyson. She did not read the paper or online version of the Unemployment Insurance Benefits Handbook or the back of the unemployment insurance decision or the back of the appeal hearing notice that instruct claimants to continue filing weekly claims while an appeal is pending. She has filed continued claims and has received regular weekly benefits since the week ending December 12, 2015. She was out-of-town the week ending November 28, 2015, and was not 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 denied.

Iowa Code § 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.

In order to be eligible for weekly benefits, the claimant must file a VRU or 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.

Claimant's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook or the back of the unemployment insurance decision or the back of the appeal hearing notice about continuing to file claims during the appeal process is not considered a good reason for having failed to file weekly VRU/online web application continued claims. Retroactive benefits are denied.

DECISION:

The December 15, 2015, (reference 02) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css