

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARIANNE Q COLSCH**  
Claimant

**APPEAL 18A-UI-05436-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/22/18  
Claimant: Appellant (4)**

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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 an appeal from the May 8, 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 May 31, 2018. Claimant Marianne Q. Colsch participated. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the three-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 an original claim effective April 22, 2018. She did not file continued claims by online web application for the three-week period ending May 12, 2018. Claimant did not attempt to file a weekly continued claim for benefits for her first week of unemployment. She explained that she has never filed for unemployment before and she was not aware she needed to do this. Claimant went online on May 6, 2018, and attempted to file her weekly continued claim for the week ending May 5, 2018. Claimant received an error message and was unable to file her claim. Claimant called the agency the following day and learned that she should have filed a weekly continued claim for the week prior. Claimant did not try and file a weekly continued claim for the week ending May 12, 2018, because she had received a denial letter in the mail. Claimant "perused over" the online Unemployment Insurance Benefits Handbook but did not read it thoroughly, and she was not aware of the obligation to continue filing weekly continued claims while an appeal is pending.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is denied for the weeks ending April 28 and May 12, 2018, and retroactive benefits are granted for the week ending May 5, 2018.

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.

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.

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 this case, claimant was not aware she needed to file a weekly claim each week she was seeking benefits because she did not read the Unemployment Insurance Benefits Handbook. Claimant failed to file her weekly continued claim for the one week ending April 28, 2018, because she did not know she needed to do so. This is not a good cause reason for failing to file a weekly claim. However, claimant attempted to timely file her weekly claim the next week. She was unable to because her claim closed after one week of failing to file a continued weekly

claim. It would have been technically impossible for claimant to reopen her claim in order to file a continued weekly claim for the week ending May 5, 2018. The claim did not close until the deadline to make a weekly claim filing—May 4, 2018, at 5:30 p.m. However, she only had until May 4, 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 else claimant could have done to prevent this from happening in regard to the second missed weekly claim filing. Claimant has shown a good cause reason for failing to file her weekly continued claim for the one week ending May 5, 2018. Therefore, claimant's request for retroactive benefits for the one week ending May 5, 2018, is allowed. Claimant is also seeking retroactive benefits for the one week ending May 12, 2018. She did not file a weekly continued claim that week because she received a denial letter in the mail. She had not read the Unemployment Insurance Benefits Handbook, so she did not know to continue filing weekly claims while an appeal was pending. This is not a good cause reason for failing to file a weekly claim.

Claimant is urged to review information in the Unemployment Insurance Benefits Handbook at: [https://www.iowaworkforcedevelopment.gov/sites/search.iowaworkforcedevelopment.gov/files/documents/ClaimantHandbook\\_2017-18.pdf](https://www.iowaworkforcedevelopment.gov/sites/search.iowaworkforcedevelopment.gov/files/documents/ClaimantHandbook_2017-18.pdf)

**DECISION:**

The May 8, 2018, (reference 01) unemployment insurance decision is modified in favor of claimant/appellant. Retroactive benefits are denied for the week ending April 28, 2018, and for the week ending May 12, 2018. Retroactive benefits are granted for the week ending May 5, 2018.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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