IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

ALMA D BERROSPE
Claimant

APPEAL 18A-UI-06202-NM-T

ADMINISTRATIVE LAW JUDGE DECISION

IOWA WORKFORCE DEVELOPMENT DEPARTMENT

OC: 05/13/18
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 May 31, 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 June 21, 2018. Claimant participated.

ISSUE:

Should the claimant's request for retroactive benefits be granted for the two-week period ending May 26, 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 May 13, 2018. She did not file continued claims by online web application for the two-week period ending May 26, 2018, and did not inquire about the issue of benefit non-payment with Iowa Workforce Development (IWD) until May 29, 2018. Claimant testified she did read the Unemployment Insurance Benefits Handbook, but was confused by the instructions. Claimant has not previously filed for unemployment insurance benefits and did not realize she needed to file weekly continued claims until May 29 when she spoke with an IWD representative. The IWD representative was able to explain the filing process to claimant and she has filed continued claims and has received regular weekly benefits since the week ending June 2, 2018. Claimant called the IWD offices on May 29 after she logged on to the filing system on May 27 to confirm her information was correct and received a message stating her claim had become inactive.

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 section 96.6(1) provides:

> 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.

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 April 2018, 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.
>
> IMPORTANT: If an individual waits until after the calendar week has ended on Saturday to file a UI claim, the individual will not be eligible to be paid for the prior week.

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. If any weekly claim filing is missed during the claim year, an individual must file an initial claim application to reactivate their claim. This would apply even if 1 week is not filed timely. Refer to the instructions on page 19 of this handbook "Filing Weekly Claim".

The April 2018, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 20:

> **Filing Weekly Claims**
> **How to File**
> After you file your initial claim, file weekly claims online at 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. Payment will not be made for any weeks that are not filed timely. If a weekly

claim filing is missed for one or more weeks, a new initial claim application must be filed. It is your responsibility to check the status of your claim during the week to ensure the prior week has been recorded.

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 April 2018, 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
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/

Here, claimant did not realize she was required to file continued weekly claims until speaking with an IWD representative on May 29, 2018. Though this is her first time filing for benefits, claimant's failure to read and/or follow the instructions in the Unemployment Insurance Benefits Handbook about continuing to file claims during the appeal process is not considered a good reason for having failed to file weekly online web application continued claims. Retroactive benefits are denied.

Claimant is urged to review information in the Unemployment Insurance Benefits Handbook at:
https://www.iowaworkforcedevelopment.gov/sites/search.iowaworkforcedevelopment.gov/files/d
ocuments/2018/2018-Claimant-Handbook_0.pdf

DECISION:

The May 31, 2018, (reference 01) unemployment insurance decision is affirmed. The claimant's
request for retroactive benefits is denied.

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Nicole Merrill
Administrative Law Judge

_____
Decision Dated and Mailed

nm/rvs