

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

KYLE MILLIRONS

Claimant

APPEAL NO: 18A-UI-06774-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/27/18

Claimant: Appellant (1)

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

Iowa Code § 96.6(1) – Filing Claims

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 14, 2018, (reference 01) unemployment insurance decision that denied retroactive benefits. The claimant was properly notified about the hearing. A telephone hearing was held on July 11, 2018. The claimant participated personally. Gabriel Millirons also testified.

The administrative law judge took official notice of the administrative records including the claimant's weekly continued claim history (KCCO). The fact-finding documents were unavailable at the time of the hearing. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request for retroactive benefits for the two-week period ending June 9, 2018 be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an original claim effective May 27, 2018. When the claim was filed, the claimant was given the option of reading the Unemployment Insurance Handbook online or a hardcopy, and the claimant agreed that he would read and understand the handbook. The Unemployment Insurance Handbook includes instructions for properly filing claims and informs claimants that failure to follow the instructions can lead to a denial of benefits. The handbook also informs claimants that they should call IWD customer service for help if they don't understand the information in the handbook. He did not read the paper or online version of the Unemployment Insurance Benefits Handbook as instructed when he established his unemployment insurance claim.

The April of 2018 *Unemployment Insurance Benefits Handbook*, provides 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 they want 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.

The April of 2018 *Unemployment Insurance Benefits Handbook*, provides at pages 20 - 21:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at www.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 timely filed. 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.

In the April of 2018 version of the handbook at page 8, contact information includes days and hours for filing an initial claim (including reopening an initial claim) and weekly continued 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/>

The claimant earned \$924.00 in wages for the week ending June 2, 2018. He opened his claim with an effective date of May 27, 2018, in advance of a temporary layoff. The claimant was trying to be proactive. He did not intend to file a weekly continued claim for the week ending June 2, 2018 based upon wages earned. However, because he failed to make a weekly continued claim for the week ending June 2, 2018, his claim was locked due to inactivity. On June 10, 2018, when he attempted to file his weekly continued claim for the week ending June 9, 2018, he first learned he was locked out of the system due to inactivity and had to reactivate the claim. The claimant made an application requesting retroactive benefits for the two-week period ending June 9, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits must be denied.

Iowa Code § 96.6(1) provides:

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.

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 benefit payment shall be allowed until the individual claiming benefits has completed a continued claim online or 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 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, the contact information for each employer contacted, and the result of the contact;
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. That the individual understands the individual's responsibility to review the individual's claim records to ensure there is no delay in filing the individual's weekly claim to remain in continuous reporting status. Failure to file claims each week will require a claimant to submit a claim application to reactivate the claim;
7. Other information required by the department.

For each week the claimant remains fully or partially unemployed, they must file a weekly continued claim to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. This process in filing a weekly continued claim must be done sometime between Sunday and Friday of the following week. If a claimant does not file a weekly continued claim for one week for any reason and becomes unemployed again, the process must start over by reactivating the initial claim no later than Friday at 4:30 p.m. It is the individual's responsibility to ensure there is no delay in filing the weekly claim to remain in continuous reporting status.

The administrative law judge is sympathetic to the claimant, but based on the evidence presented, the administrative law judge concludes the claimant failed to properly file a weekly continued claim for the period of May 27, 2018 through June 9, 2018. As such, retroactive benefits are denied.

DECISION:

The June 14, 2018, (reference 01) unemployment insurance decision is affirmed. The claimant's request for retroactive benefits is denied.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn