

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**BRIGET E GRINDATTI**  
Claimant

**APPEAL 18A-UI-02763-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/04/18  
Claimant: Appellant (2R)**

---

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 February 21, 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 March 27, 2018. Claimant Briget Grindatti participated in the hearing. Claimant's Exhibits A and B were received and admitted into the record.

**ISSUE:**

Should the claimant's request for retroactive benefits be granted for the two-week period ending February 17, 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 February 4, 2018, with a reopened claim on February 18, 2018. She did not file continued claims by online web application for the two-week period ending February 17, 2018. Claimant is seeking retroactive benefits for the weeks ending February 10, 2018, and February 17, 2018. Claimant tried to file her weekly claim on February 11, and her password was not working. On February 12, claimant called in to have her password reset. She then filed her weekly claim and believed this was successful. The next week, claimant went to file her weekly claim and received an error saying she did not have an active claim for unemployment insurance benefits. When claimant received the error message, she tried to contact Iowa Workforce Development to report the error and resolve the issue. She spoke with a woman who reopened claimant's claim and took her two weekly claims over the telephone. Claimant received her full salary for the week ending February 10, 2018. Claimant made at least two job contacts each week.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request for retroactive benefits is granted.

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/>

Claimant is seeking retroactive benefits for two weeks. For the first week, claimant took all reasonable steps to file her weekly claim. Given the claim confirmation message, claimant’s belief it was successful was reasonable and is considered a good reason for the delay in filing the weekly online web application continued claim. For the second week, claimant was unable to because her claim closed after one week of failing to file a continued weekly claim. Although the Unemployment Insurance Handbook addresses reactivating a claim, it does not clearly state

that a claim will close after only one week of failing to file a continued weekly claim. Even if it did, it would have been technically impossible for claimant to reopen her claim in order to file a continued weekly claim for the week ending February 17, 2018. The claim did not close until the deadline to make a weekly claim filing—February 16, 2018, at 5:30 p.m. However, she only had until February 16, 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 second week. Retroactive benefits are allowed for both weeks.

**DECISION:**

The February 21, 2018, (reference 01) unemployment insurance decision is reversed. The claimant's request for retroactive benefits is granted.

**REMAND:**

This matter is remanded to the Benefits Bureau of Iowa Workforce Development for calculation of claimant's weekly benefit amount, given that she received compensation for at least one of the weeks for which she is receiving retroactive benefits.

---

Elizabeth A. Johnson  
Administrative Law Judge

---

Decision Dated and Mailed

lj/scn