

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GREGORY T JONES
Claimant

APPEAL 17A-UI-12103-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 11/05/17
Claimant: Appellant (1)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits
Iowa Admin. Code r. 871-24.2(1)A, H - Backdating

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the November 21, 2017 (reference 01) unemployment insurance decision that denied his request to backdate his claim prior to November 19, 2017. The claimant was properly notified of the hearing. A telephone hearing was held on December 18, 2017. The claimant, Gregory T. Jones, participated personally and through witness Graciela George. The administrative law judge took administrative notice of the claimant's unemployment insurance records.

ISSUES:

Should the claimant's request for retroactive benefits be granted for the two-week period ending November 18, 2017?

Should the claimant's request to backdate his reopened claim prior to November 19, 2017 be granted?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds:

Claimant filed an initial claim effective November 5, 2017. The unemployment insurance decision that claimant filed an appeal from denied his request to backdate his reopened claim prior to November 19, 2017. It appears claimant was actually requesting retroactive benefits.

Claimant did not file a weekly-continued claim online for the two-week period beginning November 5, 2017 and ending November 18, 2017. This was because claimant did not realize that he had to file weekly-continued claims for each week that he was requesting benefits. He did not read the paper or online version of the Unemployment Insurance Benefits Handbook that instructs claimants to file weekly-continued claims. Claimant was in the hospital with his infant child during this time and did not retrieve his mail until after November 17, 2017. On or about

November 20, 2017, claimant contacted his local Iowa Workforce Development office and reopened his claim with a reopen effective date of November 19, 2017. Claimant did not earn any wages, holiday pay, vacation pay, or pension during the two weeks beginning November 5, 2017 and ending November 18, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant’s request for retroactive benefits is denied as well as his request to backdate the effective date of his reopened claim.

Iowa Code section 96.6(1) provides:

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 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 weekly-continued claim 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 a weekly-continued claim sometime between the following Sunday through Friday. No filing of any kind may be done on any Saturday.

Weekly Claim Filing Changes

Beginning with the week ending October 7, 2017, the first day of the week you can report a weekly claim is the Sunday starting at 8 a.m. after the prior week has ended. This means after October 7, 2017, **you can no longer file weekly claims on Saturday of any week.**

In addition, after October 7, 2017, weekly claims must be filed **Sunday** through **Friday** for the prior week only. This means you have six days to file the previous week’s claim. See the chart below for the days available to file your weekly claim. Delay in filing your weekly claim could result in denial of benefits.

You are encouraged to start following the new claims filing process now so that you are used to the new schedule when the changes happen in October. For your convenience, you can file your weekly claim online using a mobile device or computer at www.iowaworkforcedevelopment.gov.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week 1						Last day of week 1 (no filing)
First day to file for week 1	File for week 1	File for week 1	File for week 1	File for week 1	Last day to file for week 1	Last day of week 2 (no filing)
First day to file for week 2	File for week 2	File for week 2	File for week 2	File for week 2	Last day to file for week 2	Last day of week 3 (no filing)
First day to file for week 3	File for week 3	File for week 3	File for week 3	File for week 3	Last day to file for week 3	Last day of week 4 (no filing)

Please see our Q & A at www.iowaworkforcedevelopment.gov/unemployment-insurance-frequently-asked-questions for more information.

You can also contact Unemployment Insurance Customer Service for additional questions:

Unemployment Insurance Customer Service
 Email: uiclaimshelp@iwd.iowa.gov
 Website: www.iowaworkforcedevelopment.gov
 Phone: 1-866-239-0843, Monday-Friday from 8 a.m. - 4:30 p.m.

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 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
<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's failure to read and follow the instructions in the Unemployment Insurance Benefits Handbook is not considered a good reason for having failed to file weekly-continued claims. As such, claimant's request for retroactive benefits is denied.

With regard to claimant's request to backdate the effective date of his re-opened claim, that request is also denied. Effective Wednesday, July 12, 2017, for claims effective July 16, 2017:

Iowa Admin. Code r. 871-24.2(1)h(1) and (2) provide:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) 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:

h. Effective starting date for the benefit year.

(1) Filing for benefits shall be effective as of Sunday of the current calendar week in which, subsequent to the individual's separation from work, an individual files a claim for benefits.

(2) The claim may be backdated prior to the first day of the calendar week in which the claimant does report and file a claim for the following reasons:

1. The failure of the department to recognize the expiration of the claimant's previous benefit year;
2. The claimant filed an interstate claim against another state which has been determined as ineligible.

The claim the department did not fail to recognize the expiration of the claimant's previous benefit year and the claimant did not file an interstate claim. As such, any request to backdate claimant's re-opened claim is denied.

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

DECISION:

The November 21, 2017 (reference 01) unemployment insurance decision is affirmed. The claimant's request to backdate his claim is denied and the claimant's request for retroactive benefits is denied.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs