

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BREECE A HARKLESS
Claimant

APPEAL NO: 15A-UI-01138-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/10/14
Claimant: Appellant (2)

871 IAC 24.2(1)h – Backdate a Claim

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 23, 2015 determination (reference 01) that denied his request to backdate his additional claim prior to January 11, 2015. The claimant participated at the February 26, 2015 hearing. Based on the administrative record, the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request to backdate his additional claim to January 4, 2015.

ISSUE:

Should the claimant's request to backdate his additional claim be granted or denied?

FINDINGS OF FACT:

The claimant established a claim for benefits in mid-August 2014. At that time he received information that when he was on a temporary layoff, he needed to file a claim for that week at the end of the week.

The claimant was on a temporary layoff the week of January 4, 2015. He went on his home computer on January 8 to file a claim for this week. The screens and information requested were different from when he established his claim in August. After work on January 12, the claimant went to his local Workforce office to make sure he would receive benefits for the week he was off work. A Workforce representative directed the claimant to use a computer at the office to file a claim for the week ending January 10, 2015. The only week the claimant intended to file a weekly claim was for the week of January 4.

REASONING AND CONCLUSIONS OF LAW:

When filing for benefits, the effective date is Sunday of the current calendar week in which the claim is filed. A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect advice from a workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. 871 IAC 24.2(h).

The administrative record indicates the claimant filed an additional claim or a weekly claim on January 8, 2015. When the screens did not look the same as they did in August, he went to his local Workforce office on Monday, January 12, 2015, to make sure he correctly filed a claim for the week he did not work, the week ending January 10, 2015. The claimant established sufficient grounds to backdate his additional claim to January 4, 2015.

DECISION:

The representative's January 23, 2015 determination (reference 01) is reversed. The claimant's request to backdate his additional claim to January 4, 2015, is granted. The claimant's additional claim is effective as of January 4, not January 11, 2015.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs