

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA F MULHERN
Claimant

APPEAL 17A-UI-11369-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/27/17
Claimant: Appellant (1)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the November 1, 2017 (reference 03) unemployment insurance decision that denied the request to backdate the claim for benefits prior to October 29, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on November 29, 2017. Claimant participated.

ISSUE:

May the claim be backdated prior to October 29, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of August 27, 2017, and an additional claim date effective October 29, 2017, and desires to backdate the claim to October 15, 2017, because claimant forgot to file for benefits. Claimant was occupied and did not file her weekly claim for the one-week period ending October 21, 2017. She then attempted to file for benefits for the one-week period ending October 28, 2017, but her claim was locked because she had a break in reporting. The department has not failed to recognize the expiration of the claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim 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.

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 October 2016, *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.

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.

Unfortunately, the handbook does not clearly distinguish between filing a new, additional or reopened claim, which must be done by the close of business on Friday of the week the unemployment begins, and filing of weekly continued claims to report work searches and availability for work, that may not begin until Saturday of the week of unemployment, even though filing of both types of claims is done online. While the claimant may have presented reasons for backdating that would have previously been considered "sufficient grounds" to grant the request, effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only the two reasons cited above. Neither of those reasons applies in this case. Accordingly, the backdating request must be denied.

DECISION:

The November 1, 2017 (reference 03) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn