

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTINE L PRINGLE
Claimant

APPEAL NO. 15A-UI-12364-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/18/15
Claimant: Appellant (1)

871 IAC R 24.2(1) a & h – Backdating of Claim

STATEMENT OF THE CASE:

Martine Pringle, the claimant, filed a timely appeal from a representative's decision dated October 28, 2015 (reference 02) which denied the claimant's request to backdate her unemployment claim prior to October 18, 2015. After due notice was provided, a telephone hearing was held on November 24, 2015. The claimant participated.

ISSUE:

At issue is whether the claimant has presented sufficient grounds to backdate her unemployment insurance claim prior to October 18, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits with an effective date of October 18, 2015. Ms. Pringle was employed by All Heart Staffing but had sustained a work injury on April 13, 2015. Ms. Pringle had filed a claim for workman's compensation benefits and was receiving temporary partial disability payments through workman's compensation. During the last week of September 2015, Ms. Pringle's physical condition had improved and the claimant began performing some light-duty work for her employer. Based upon statements that had been made to her by her employer, Ms. Pringle believed that she would receive workman's compensation benefits that would supplement her pay; paying the difference between part-time, light-duty pay that she was receiving and the amount of pay that she would receive if employed full time by the company. Ms. Pringle did not claim unemployment insurance benefits because she did not want to be overpaid and have to repay benefits.

Ms. Pringle was later informed that the workman's compensation employer carrier would not be making the supplemental workman's compensation payments to her. Ms. Pringle then requested that her claim for benefits be backdated to cover weeks that she had not previously claimed, based upon her belief that she would receive supplemental workman's compensation payments.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Admin. Code r. 871-24.2(1)h(1), (2) and (3) 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 reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(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:

Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;

There is scheduled filing in the following week because of a mass layoff;

The failure of the department to recognize the expiration of the claimant's previous benefit year;

The individual is given incorrect advice by a workforce development employee;

The claimant filed an interstate claim against another state which has been determined as ineligible;

Failure on the part of the employer to comply with the provisions of the law or of these rules;

Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;

Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating shall not be allowed at the change of the calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

Although sympathetic to the claimant's situation, failing to claim unemployment insurance benefits, based upon a belief that the claimant might receive payments from another source, is not considered a good cause reason for having failed to file a claim during the first week of employment. Backdating is denied.

DECISION:

The representative's decision dated October 26, 2015 (reference 02) is affirmed. The claimant's request to backdate her claim prior to October 18, 2015 is denied.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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