

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASEY J SWEET
Claimant

APPEAL NO: 14A-UI-02185-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/02/14
Claimant: Appellant (1)**

871 IAC 24.2(1)h - Backdate

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 13, 2014 determination (reference 01) that denied his request to backdate his claim prior to February 2, 2014. The claimant participated at the March 19 hearing. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the claimant's arguments, and the law, the administrative law judge must deny the claimant's request to backdate his claim.

ISSUE:

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

FINDINGS OF FACT:

The claimant has not filed a claim for benefits in Iowa prior to February 3, 2014. When the claimant finished working Friday, January 24, he assumed he would work again on Tuesday, January 28. His employer had already authorized him to have Monday, January 27, off from work. On Monday night the employer contacted him and told him there was no work the next day. This same conversation occurred on Tuesday, Wednesday and Thursday nights.

Based on his experience in Illinois, the claimant went to his local Workforce office on February 3 and established claim for benefits as of February 2, 2014. (Claimant Exhibit A.). The claimant requested that his claim be backdated to January 26, 2014, so he could receive benefits for the week he did not work.

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).

Even though the claimant established a claim within a reasonable time, he did not establish sufficient grounds to excuse the delay filing his claim for benefits. The claimant could have established a claim for benefits on Friday, January 24 or established an on-line claim on Saturday, January 25. He did neither because he incorrectly assumed Iowa law was identical to Illinois law. If the claimant had filed in Illinois he could not receive benefits for the first week he was unemployed. The claimant's request to backdate his claim is denied.

DECISION:

The representative's February 13, 2014 determination (reference 01) is affirmed. The claimant did not establish sufficient grounds to excuse the delay in filing his claim. His request to backdate his claim is denied. The effective date of his claim remains as of February 2, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs