

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDWARD E GLIDDEN
Claimant

APPEAL NO: 15A-UI-08259-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/28/14

Claimant: Appellant (1)

871 IAC 24.2(1)a & h(1) & (2) - Backdating

STATEMENT OF THE CASE:

Edward E. Glidden (claimant) appealed a representative's July 20, 2015 decision (reference 01) that denied the claimant's request to backdate his additional claim prior to July 5, 2015. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 17, 2015. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant established an unemployment insurance benefit year effective December 28, 2014. The claim was inactive after January 3, 2015, and so became dormant.

The claimant had a temporary separation from employment through a layoff from work effective June 26, 2015. He was off work for the week of June 28 through July 4. He did not make any efforts to reactivate his unemployment claim that week. He believed that he could simply call in a weekly continued claim during the following week, but he had not been advised to do this by either the employer or anyone with the Agency. He did try to make a weekly continued claim on either July 5 or July 6; that attempt had the effect of reopening the existing claim, but effective July 5.

REASONING AND CONCLUSIONS OF LAW:

The effective date of a claim year is the Sunday of the calendar week during which the claim was created. Rule 871 IAC 24.1(1). Therefore, the action of creating a claim must occur by the Saturday of the week in which the claimant wishes to have the claim active. After a claim year is created, it runs for 52 weeks; for each individual week for which a claimant seeks benefits he must then file a weekly continued claim no earlier than noon on the Saturday of that week, but which could also be (and is frequently) done on the next day, the Sunday of the next week. Rule 871 IAC 24.2. If a claim has become inactive because there has been an intervening

period of employment, the claim must be reactivated with an additional claim before resuming filing weekly claims. Rule 871 IAC 24.1(1). Therefore, a claimant who does not have a currently active claim is required to follow a two-step process of first establishing the claim year or reactivating the claim year with an additional claim, and then making the weekly continued claim for that specific week.

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 did something to prevent the claimant from making a prompt filing of a claim. Rule 871 IAC 24.2(1)h. The facts indicate the claimant incorrectly assumed that he did not need to do anything during the week he was off in order to reactivate his claim, but that he need only make the weekly claim after the close of the week.

The claimant has not shown that there was anything which prevented him from establishing his claim during the benefit week which ended July 4, 2015 or that he had been misled by the Agency or the employer as to when he needed to take action. He did not establish sufficient grounds to backdate his claim. His request to backdate his claim to June 28, 2015, must be denied.

DECISION:

The representative's July 20, 2015 decision (reference 01) is affirmed. The claimant's request to backdate his claim is denied.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css