

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARK A KASS**  
Claimant

**APPEAL 17A-UI-10154-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/01/17  
Claimant: Appellant (1)**

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Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 29, 2017, (reference 01), unemployment insurance decision that denied the request to backdate the claim for benefits prior to September 24, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on October 20, 2017. Claimant participated. Peggy Kass participated on claimant's behalf. Official notice was taken of the administrative record, including claimant's benefit payment and continued claims filing history, with no objection.

**ISSUE:**

May the claim be backdated prior to September 24, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of January 1, 2017, and an additional claim effective September 24, 2017, and wishes to backdate the claim to September 17, 2017. Claimant normally works Monday through Friday. Claimant was on a temporary layoff from work on September 18, 19, 20, and 21, 2017. Claimant returned to work on Friday, September 22, 2017. At the start of claimant's layoff, he was not sure how many days he would be on his layoff. On September 23, 2017, claimant attempted to file his claim for benefits for the week ending September 23, 2017, but he was unsuccessful because there was a break in his continued claims filing. Claimant was instructed to contact his local Iowa Workforce Development office. On Tuesday, September 26, 2017, an IWD employee instructed that claimant that he would have to start all over and his request to backdate his claim was denied. The department has not failed to recognize the expiration of 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 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) provides:

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:

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

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

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 is denied.

**DECISION:**

The September 29, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant's request to backdate the claim is denied.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs