

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RODNEY D KENDRICK
Claimant

APPEAL 17A-UI-04894-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/25/16
Claimant: Appellant (2)**

871 IAC 24.2(1)h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 3, 2017, (reference 01) decision that denied the request to backdate the additional claim date for benefits prior to April 30, 2017. After due notice was issued, a hearing was held by telephone conference call on May 25, 2017. Claimant participated.

ISSUE:

Can the claimant's additional claim date for unemployment insurance benefits be backdated prior to April 30, 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 December 25, 2016 and desires to backdate the additional claim date to April 23, 2017. Claimant is 76 years old still working full time. He does not have a home computer and does not know how to use a computer. When his original claim was filed, he was not given the handbook which contains instructions on how to reactivate or re-open a claim once there has been a break in filing weekly claims. Claimant delayed filing the claim because he did not know of the requirement to reopen his claim. A handbook for employees has now been mailed to him.

The claimant was laid off due to lack of work for the week ending April 29, 2017. He earned no wages during that week.

REASONING AND CONCLUSIONS OF LAW:

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

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 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.

The claimant did not know he was required to re-open his claim. He did not receive the handbook for employees and had no access to a computer. Under these circumstances the claimant has established good cause for back dating his additional claim date to April 23, 2017. Claimant's additional claim date shall be backdated from April 30, 2017 to April 23, 2017 and he shall be paid full unemployment insurance benefits for the week ending April 29, 2017.

DECISION:

The May 3, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the additional claim date to April 23, 2017, is granted, as are retroactive benefits for the week ending April 28, 2017.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs