

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MARK W AYERS
214 N 17TH PL
ESTHERVILLE IA 51334

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-11911-DWT
OC: 01/02/05 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2(1) - Backdating

STATEMENT OF THE CASE:

Mark W. Ayers (claimant) appealed a representative's November 17, 2005 decision (reference 01) that denied his request to backdate his reopened claim prior to November 6, 2005. After a hearing notice was mailed to the claimant last-known address of record, a telephone hearing was held on December 8, 2005. The claimant participated in the hearing. Based on the evidence, the arguments of the parties, 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 reopened claim prior to November 6, 2005, be granted?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 2, 2005. The claimant has worked at Stylecraft for over ten years. He usually works at Stylecraft during the winter months and then works at his own business during the warmer months of the year.

On September 23, Stylecraft informed the claimant he was laid off from work. The claimant understood this would be a temporary layoff. The claimant initially believed he could make enough money from self-employment until Stylecraft called him back to work. The claimant did not know a person could potentially be self-employed and still receive unemployment insurance benefits.

In early November, the claimant learned his layoff would be permanent instead of temporary. About this same time, the claimant received information from an attorney that he was potentially eligible to receive benefits even if he were self-employed. The claimant reopened his claim during the week of November 6, 2005. The claimant requested that his claim be backdated to September 25, 2005.

REASONING AND CONCLUSIONS OF LAW:

A claim for benefits is effective as of Sunday in the current calendar week in which a person files or establishes a claim for benefits. Claims can be backdated prior to the week in which the individual files if there are sufficient grounds to justify or excuse the delay in filing a claim. Sufficient ground includes receiving incorrect information from a Workforce representative or if an employer intimidated a person to prevent the prompt filing of a claim. 871 IAC 24.2(1)(h).

The claimant did not establish sufficient ground to backdate his claim. Although the claimant did not realize he could potentially receive benefits even though he was self-employed, this reason does not establish a sufficient reason to backdate the claimant's reopened claim. The claimant's request to backdate his reopened claim to September 25, 2005, is denied.

DECISION:

The representative's November 17, 2005 decision (reference 01) is affirmed. The claimant's request to backdate his claim to September 25, 2005, is denied. The effective date of the claimant's reopened claim is November 6, 2005.

dlw/pjs