

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRITTANY S MILLER**  
Claimant

**APPEAL NO. 13A-UI-12175-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/06/13**  
**Claimant: Appellant (1)**

871 IAC 24.2(1)(a) & (h)(1) & (2) – Backdated Claim

**STATEMENT OF THE CASE:**

Brittany Miller filed a timely appeal from the October 22, 2013, reference 01, decision that denied her request to backdate her claim to a date earlier than October 6, 2013. After due notice was issued, a hearing was held on November 21, 2013. Ms. Miller participated. Exhibit A and Department Exhibit D-1 were received into evidence.

**ISSUE:**

Whether Ms. Miller has presented sufficient grounds to justify or excuse the delay in filing for benefits through Iowa Workforce Development and whether good cause exists to backdate the claim for benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Brittany Miller established a claim for unemployment insurance benefits that was deemed effective October 6, 2013. Ms. Miller was temporarily laid off from her employment during the week of Monday, September 30, 2013 through Friday, October 4, 2013. Ms. Miller waited until Sunday, October 6, 2013, the beginning of the next week, to apply for unemployment insurance benefits. Ms. Miller had filed a claim for benefits a year earlier and misremembered the filing requirement in connection with the most recent claim.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence indicates sufficient grounds to justify or excuse the delay in filing for benefits through Iowa Workforce Development and whether good cause exists to backdate the claim for benefits.

871 IAC 24.2(1)h(1), (2) and (3) 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.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating shall not be allowed at the change of the calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

The evidence indicates that Ms. Miller waited to file her claimant for benefits until the week that started Sunday, October 6, 2013, even though she had been laid off as of Friday, September 30, 2013. The delay in filing for benefits was solely attributable to Ms. Miller's inaction. The administrative law judge concludes good cause does not exist to backdate the claim and that Ms. Miller has not presented sufficient grounds to justify or excuse delay in filing for benefits.

**DECISION:**

The Agency representative's October 22, 2013, reference 01, decision is affirmed. The claimant has not presented sufficient grounds to justify or excuse the delay in filing for benefits. Good cause does not exist to backdate the claim for benefits. The claimant's request to backdate the claim to a date prior to October 6, 2013 is denied.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs