

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

TERRY P WEILAND
2856 VAN BUREN
DUBUQUE IA 52001

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-02347-CT
OC: 02/13/05 R: 04
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)

Section 871IAC24.2(1)a,h(1)(2) – Backdating Claims

STATEMENT OF THE CASE:

Terry Weiland filed an appeal from a representative's decision dated March 4, 2005, reference 02, that denied his request to backdate his claim. After due notice was issued, a hearing was held by telephone on March 24, 2005. Mr. Weiland participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Weiland filed an initial claim for job insurance benefits effective January 25, 2004 during a layoff from Eagle Window and Door. The claim expired

January 23, 2005. During the week of January 30, 2005, Mr. Weiland worked only 24.75 hours for Eagle Window and Door. He did not file a claim because he miscalculated his earnings and did not believe he would receive benefits because of the earnings. He did not contact his local office to determine whether he would be eligible. Mr. Weiland filed his current claim effective February 13, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Weiland has presented sufficient justification to warrant backdating his claim. The fact that one does not know he may be eligible for benefits is not justification for backdating the claim. Mr. Weiland had filed a claim in 2004 and, therefore, should have been aware of the terms and conditions under which benefits may be received. For the reasons cited herein, it is concluded that he has failed to establish justification for backdating the claim.

DECISION:

The representative's decision date March 4, 2005, reference 02, is hereby affirmed. Mr. Weiland's request to backdate his claim is denied.

cfc/kjf