

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DUSTIN D LEIBFRIED
Claimant

APPEAL 17A-UI-08013-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/23/17
Claimant: Appellant (1)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the August 4, 2017 (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to July 23, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on August 24, 2017. Claimant participated. Witness Terry Stoffel, Accounting and HR Supervisor at the Adams Company, also testified. The administrative law judge took official notice of the administrative record.

ISSUE:

May the claim be backdated prior to July 23, 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 July 23, 2017, and desires to backdate the claim to July 16, 2017. The department has not failed to recognize the expiration of the claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible. According to the administrative record, Iowa Workforce Development sent claimant a notice that his claim year was ending via U.S. mail dated June 27, 2017. Claimant did not receive this notice, because it was sent to his old address. Claimant moved in April or May 2016. He never updated his address with the agency. Because the employer is part of IWD's Voluntary Shared Work Program, the employer is heavily involved with its employees' claims for benefits. However, claimant remains responsible for updating his own address with the agency.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the 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) 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 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:

1. The failure of the department to recognize the expiration of the claimant's previous benefit year;
2. The claimant filed an interstate claim against another state which has been determined as ineligible.

While the claimant may have presented reasons for backdating that would have previously been considered "sufficient grounds" to grant the request, 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 request must be denied.

DECISION:

The August 4, 2017 (reference 01) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn