

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAREN L SCHNOWSKE
Claimant

APPEAL 18A-UI-00006-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/15/17
Claimant: Appellant (1)**

Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 22, 2017, (reference 01), unemployment insurance decision that denied the request to backdate the claim for benefits prior to December 3, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on January 25, 2018. Claimant participated. Official notice was taken of the administrative record with no objection.

ISSUE:

May the claim be backdated prior to December 3, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of January 15, 2017, and an additional claim effective December 3, 2017, and wishes to backdate the claim to November 26, 2017.

Claimant was on a two week temporary layoff starting the week beginning November 26, 2017. On Sunday, December 3, 2017, claimant attempted to reactivate his claim, but he did not think he was successful. Claimant was also unable to file his weekly continued claim for the week-ending December 2, 2017. On Monday, December 4, 2017, claimant contacted Iowa Workforce Development (IWD). The IWD employee told claimant he should have reactivated his claim during his first week of unemployment. Claimant thought he was supposed to wait one week before he could reactivate his claim. The IWD employee told claimant she was going to process a request to backdate his claim and she would call him back if it is granted or if it is denied he would get letter in the mail. Claimant did not receive a phone call back from the IWD employee. Claimant also did not receive a denial letter from IWD. Claimant did successfully file his weekly continued claim for the week-ending December 9, 2017. On December 21, 2017, claimant called IWD about his backdating request. This IWD employee told claimant there was no record of his December 4, 2017 phone call. This IWD employee processed a backdating request, but it was denied.

The department has not failed to recognize the expiration of claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's request to backdate the claim must be 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) provides:

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.

The September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

Reactivating a Claim

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

After an agency and legislative rulemaking process, effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only two reasons: “1. The failure of the department to recognize the expiration of the claimant’s previous benefit year; [or] 2. The claimant filed an interstate claim against another state which has been determined as ineligible.” Iowa Admin. Code r. 871-24.2(1)h(1) and (2). Neither of those reasons applies in this case. Accordingly, the backdating is denied.

DECISION:

The December 22, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant’s request to backdate the claim is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs