

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**AUSTIN B SMITH**  
Claimant

**APPEAL 18R-UI-07293-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/10/17  
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:**

Austin B. Smith (claimant) filed a timely appeal from the May 11, 2018, reference 05, unemployment insurance decision that denied the request to backdate the claim for benefits prior to April 29, 2018. After due notice was issued, a telephone hearing was held on July 25, 2018. The claimant participated. No exhibits were offered into the record. The administrative law judge took official notice of the administrative record, specifically the fact-finding documents.

**ISSUE:**

May the claim be backdated prior to April 29, 2018?

**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 September 10, 2017, and an additional claim date effective April 29, 2018. He desires to backdate the additional claim to April 22, 2018. The claimant delayed filing the claim because he mistakenly believed filing on April 29, 2018 would be enough to claim for the prior week. The claimant was reactivating a current claim and did not file his claim in another state.

**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 § 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)<sup>1</sup> 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.

The claimant has the burden to establish a reason to allow for backdating. The claimant contends he did reactivate his claim for benefits the week of April 22 and it was an error of the Iowa Workforce Development computer system. However, that contention is in direct contradiction to agency records and he did not provide a confirmation number, confirmation email, or any specific dates during the hearing. Regardless, 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.

---

<sup>1</sup> The regulation was amended effective June 27, 2018 to remove the ability to backdate a claim due to the failure of the agency to recognize the end of the benefit year. However, as the decision on the claimant's request to backdate was made prior to the new amendment becoming effective, the pre-amendment rule is being used in deciding this case.

**DECISION:**

The May 11, 2018, reference 05, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to April 22, 2018, is denied.

---

Stephanie R. Callahan  
Administrative Law Judge

---

Decision Dated and Mailed

src/scn