

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE R THOMPSON
Claimant

APPEAL 17A-UI-07950-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/09/17
Claimant: Appellant (1)**

871 IAC 24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the July 25, 2017, (reference 01) decision that denied her request to backdate the claim for unemployment insurance benefits prior to July 9, 2017. After due notice was issued, a hearing was held by telephone conference call on August 23, 2017. Claimant participated.

ISSUE:

May the claim be backdated prior to July 9, 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 9, 2017, and desire to backdate the claim date to July 2, 2017.

The claimant was temporarily laid off for the week ending July 8 from Snap-On Logistics and failed to establish a claim during the week she was unemployed. The claimant mistakenly believed she did not have to file her claim during the week she was unemployed but could do so over the weekend. She did not check with anyone at IWD to see if her assumptions were correct.

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.

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 Admin. Code r. 871-24.2(1)h(1), & (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.

Making assumptions about benefit eligibility and failure to seek information from IWD are not considered good cause reasons for having failed to file a claim during the first week of unemployment. Backdating is denied.

DECISION:

The July 25, 2017, (reference 01) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs