

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

PATRICIA G EDEN
Claimant

APPEAL NO. 13A-UI-03771-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/03/13
Claimant: Appellant (1)

871 IAC 24.2(1)h - Backdating

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 21, 2013, reference 03, that denied the claimant's request to backdate her claim. A telephone hearing was held on April 29, 2013. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing.

ISSUE:

When should the claimant's claim for unemployment insurance benefits be made effective?

FINDINGS OF FACT:

The claimant worked for EOI Service Company until February 22, 2013, when she was temporarily laid off. She filed a new claim for unemployment insurance benefits during the week of March 3, 2013. She did not file the claim during the week of February 24, 2012, because she had never filed for unemployment insurance benefits before and did not know there was a time limit for submitting the claim. The claimant requested that the claim be backdated to be effective February 24.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is on what date the claim for benefits should be made effective.

The unemployment insurance rules state when a claim is made effective in 871 IAC 24.2(1)h(1) and (2).

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 reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(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:

- Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;
- There is scheduled filing in the following week because of a mass layoff;
- The failure of the department to recognize the expiration of the claimant's previous benefit year;
- The individual is given incorrect advice by a workforce development employee;
- The claimant filed an interstate claim against another state which has been determined as ineligible;
- Failure on the part of the employer to comply with the provisions of the law or of these rules;
- Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;
- Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits.

The reason the claimant failed to file an earlier unemployment insurance claim was because she was unaware of the deadline for filing. The claimant has not shown she received incorrect advice by an agency employee, her failure to file an earlier claim was due to the employer's failure to comply with the law, or the employer prevented the claimant from promptly filing a claim. The claimant has failed to establish sufficient grounds to justify or excuse the delay in filing her claim. The claim for unemployment insurance benefits is effective March 3, 2013.

DECISION:

The unemployment insurance decision dated March 21, 2013, reference 03, is affirmed. The claimant's request to backdate the claim is denied.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/tll