

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**FRANK W CICELA**  
Claimant

**APPEAL NO. 09A-UI-15882-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/04/09**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Frank W. Cicela filed a timely appeal from an unemployment insurance decision dated October 19, 2009, reference 01, that denied his request to backdate his claim prior to October 4, 2009. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is unnecessary.

**ISSUE:**

Can the claim be backdated?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: Frank W. Cicela was laid off the week of September 27, 2009 for a total of two weeks. Never having filed a claim for unemployment insurance benefits before, he waited until the beginning of the next week to contact the Agency.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether it is appropriate under the circumstances to allow backdating this claim one week to September 27, 2009. The administrative law judge concludes that it is appropriate. A provision of the Iowa Administrative Code, 871 IAC 24.2(1)a and h state that a claim for unemployment insurance benefits is effective on the Sunday of the calendar week in which the individual first contacts the Agency unless good cause is shown. The claimant has shown good cause in his inexperience with the unemployment insurance system. Under these circumstances, backdating by one week is appropriate.

**DECISION:**

The unemployment insurance decision dated October 19, 2009, reference 01, is reversed. The claimant's request to backdate his claim to September 27, 2009 is granted.

---

Dan Anderson  
Administrative Law Judge

---

Decision Dated and Mailed

css/css