

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HEATHER L DOSTAL
Claimant

APPEAL NO: 13A-UI-07365-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/02/13
Claimant: Appellant (1)

871 IAC 24.2(1)h - Backdate

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 18, 2013 determination (reference 01) that denied her request to backdate her claim prior to June 2, 2013. The claimant participated at the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge must deny the claimant's request to backdate her claim.

ISSUE:

Should the claimant's claim be backdated to May 19, 2013?

FINDINGS OF FACT:

The last day the claimant worked before she went on a summer layoff was May 21, 2013. The claimant does not have a computer at her home with Internet access. The claimant did have transportation until the first week in June. The claimant's home town has a library, but the claimant did not think about walking to the library to use a library computer to file a claim for unemployment insurance benefits.

After the claimant had her vehicle repaired, she drove to her mother's home, about 30 minutes from the claimant's home, and used her mother's computer to establish an on-line claim during the week of June 2. The claimant assumed it would not be a problem to backdate her claim to the week of May 19, 2013.

REASONING AND CONCLUSIONS OF LAW:

When filing for benefits, the effective date is Sunday of the current calendar week in which the claim is filed. A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect advice from a workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. 871 IAC 24.2(h). The claimant did not establish sufficient grounds to excuse the delay in filing her claim for benefits. Her request to backdate her claim to the week of May 19 is denied.

DECISION:

The representative's June 18, 2013 determination (reference 01) is affirmed. The claimant's request to backdate her claim is denied. The effective date of the claimant's claim is June 2, 2013.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs