

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LINDA M CORGAN
Claimant

APPEAL 17A-UI-09942-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/20/16
Claimant: Appellant (1)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the September 19, 2017 (reference 02) unemployment insurance decision that denied her request to backdate her additional claim for benefits prior to September 10, 2017. After due notice was issued, a hearing was held by telephone conference call on October 16, 2017. Claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Should the additional claim be backdated prior to September 10, 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 November 20, 2016 and filed an additional claim effective September 10, 2017. She wishes to backdate the additional claim to September 3, 2017. The department did not fail to recognize the expiration of the claimant's previous benefit year and the claimant did not file an interstate claim against another state that has been determined as ineligible.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant's request to backdate the claim is denied.

Iowa Code section 96.6(1) provides:

Filing — determination — appeal.

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 provides:

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.**

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating shall not be allowed at the change of a calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

The only two reasons a claim can be backdated is if the department fails to recognize the expiration of the claimant's previous benefits year or the claimant filed an interstate claim against another state which has been determined as ineligible. Claimant has not presented any reason pursuant to Iowa Admin. Code r. 871-24.2(1)h to backdate the additional claim prior to September 10, 2017. Claimant's request to backdate her additional claim is denied.

DECISION:

The September 19, 2017 (reference 02) unemployment insurance decision is affirmed. The claimant's request to backdate the additional claim prior to September 10, 2017 is denied.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn