

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JOEL R WESTER  
2021 CASTLE ST  
WATERLOO IA 50701**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-05569-AT  
OC: 05/02/04 R: 03  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

871 IAC 24.2(1) – Backdating Claims

STATEMENT OF THE CASE:

Joel R. Wester filed a timely appeal from an unemployment insurance decision dated May 11, 2004, reference 01, which denied his request to backdate his claim prior to February 2, 2004. Due notice was issued for a telephone hearing to be held June 1, 2004. Mr. Wester did not respond to the hearing notice by providing a telephone number at which he could be contacted. This decision is based on information in the administrative file and the appeal letter.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Joel R. Wester returned from military duty in mid-April 2004. He did not file a claim for unemployment

insurance benefits during the week of April 18, 2004 because he had other matters, including taxes and left over business which took priority over his future business.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in this record establishes sufficient cause to allow backdating the claim. It does not.

A provision of the Iowa Administrative Code, 871 IAC 24.2(1), provides that unemployment insurance claims are effective on the Sunday of the calendar week in which an individual contacts the Agency to request that the claim be opened. Only if good cause is shown can the claim be backdated. Of course, if the claim is backdated, the individual must establish his or her eligibility for benefits for the additional weeks. Iowa Code Section 96.4-3 requires among other things that an individual be available for work each week that the individual requests benefits.

The reason given by Mr. Wester for his failure to file his claim for benefits until the week of May 2, 2004 shows that he was busy with unfinished personal matters from before his military service. Focusing on his past rather than his future, he has not shown that he was available for work during the weeks in question. Under these circumstances, his requests for backdating must be denied.

DECISION:

The unemployment insurance decision dated May 11, 2004, reference 01, is affirmed. The claimant's request to backdate his claim prior to May 2, 2004, is denied.

kjf/b