

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RYAN M THORNTON**  
Claimant

**APPEAL 18A-UI-01035-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/02/17  
Claimant: Appellant (1)**

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871 IAC 24.2(1)h(1) & (2) – Backdating

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the January 16, 2018, (reference 02) decision that denied his request to backdate the additional claim date for benefits prior to January 7, 2018. After due notice was issued, a hearing was held by telephone conference call on February 14, 2018. Claimant participated. Claimant's Exhibit A was received.

**ISSUE:**

May the claimant's additional claim date be backdated prior to January 7, 2018?

**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 April 2, 2017 and an additional claim date effective January 7, 2018, and desire to backdate the additional claim date to December 31, 2017.

The claimant was temporarily laid off for the week ending January 6, 2018 and failed to establish an additional claim during the week he was unemployed. The claimant did not file his claim until Sunday, January 7, 2018.

The department has not failed to recognize the expiration of the claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is denied.

Iowa Code section 96.6(1) provides:

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(1) and (2) provide:

**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.

**CLAIM EFFECTIVE DATE**

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed.

**File a Claim**

Hours: Monday through Friday, 8:00 am to 4:30 pm

[www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov)

<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

The administrative code regulations have always required that employees file their claim for benefits during the first week they are unemployed. Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only the two reasons cited above. Neither of those reasons applies in this case. Accordingly, the backdating request must be denied.

**DECISION:**

The January 16, 2018, (reference 02) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs