

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JENNIFER L FOULK**  
Claimant

**APPEAL 16A-UI-06823-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/15/16  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the June 8, 2016 (reference 01) decision that denied her request to backdate the claim for benefits prior to May 15, 2016. After due notice was issued, a hearing was held by telephone conference call on June 30, 2016. Claimant participated.

**ISSUE:**

Can the claimant's claim for benefits be backdated prior to May 15, 2016?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant had a claim filed in the prior claim year beginning on August 3, 2014, that expired on August 2, 2015. When her employer notified her in April 2016 that she would be periodically laid off for one week each month, she attempted to file a new claim for benefits. The Agency computer would not let her file the claim because her birthday was listed incorrectly in the system. She contacted the Agency but was unable to get any assistance in fixing the problem. She did not work or earn any wages for the week beginning April 3, 2016 through April 9, 2016. When she was laid off again during the week of May 8 through May 14, she again could not file her claim for benefits. She did not work or earn any wages for the period from May 8 through May 14. She sought assistance during that week from her local workforce office in Waterloo. The local office could not find the source of her problem or fix it for her. She called Des Moines and was finally able to talk to someone who figured out that her birthday on her claim was not correct. When that was corrected, her claim was entered but the Agency declined to backdate her claim for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Admin. Code r. 871-24.2(1)h(1), (2) and (3) 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 reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(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:

Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;

There is scheduled filing in the following week because of a mass layoff;

The failure of the department to recognize the expiration of the claimant's previous benefit year;

The individual is given incorrect advice by a workforce development employee;

The claimant filed an interstate claim against another state which has been determined as ineligible;

Failure on the part of the employer to comply with the provisions of the law or of these rules;

Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;

Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

(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 the 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.

Inability to file an electronic claim due to the system being inoperable is considered a good cause reason for the delay in filing the claim. The claimant attempted to file a timely claim but an error in the system did not allow her to do so. Under these circumstances backdating is allowed. The claimant's claim for benefits shall be back dated to April 3, 2016. She shall be paid full unemployment insurance benefits for the week ending April 9, 2016 and for the week ending May 14, 2016.

**DECISION:**

The June 8, 2016 (reference 01) decision is reversed. The claimant's request to backdate the claim is granted. Claim shall be backdated to April 3, 2016 and claimant shall be paid full benefits for the weeks ending April 9, 2016 and May 14, 2016.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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