

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MAYNOR G CASTILLO**  
Claimant

**APPEAL NO. 13A-UI-07730-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

871 IAC 24.2(1)h - Backdating

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated June 27, 2013, reference 01, that denied the claimant's request to backdate his claim. A telephone hearing was held on August 2, 2013. The claimant participated in the hearing.

**ISSUE:**

When should the claimant's claim for unemployment insurance benefits be made effective?

**FINDINGS OF FACT:**

The claimant worked for ConAgra until May 19, 2013, and was on a short-term layoff for the next two weeks. He filed a new claim for unemployment insurance benefits during the week of June 2, 2013. He requested that the claim be backdated to be effective May 19. He did not file earlier because he did not know if he was able to apply for benefits. The claimant returned to work on June 3, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is on what date the claim for benefits should be made effective.

The unemployment insurance rules state when claim are made effective in 871 IAC 24.2(1)h(1) and (2).

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.

The claimant has not shown he received incorrect advice by an agency employee, his failure to file an earlier claim was due to the employer's failure to comply with the law, or the employer prevented the claimant from promptly filing a claim. The claimant has failed to establish sufficient grounds to justify or excuse the delay in filing his claim. The claim for unemployment insurance benefits is effective June 2, 2013.

**DECISION:**

The unemployment insurance decision dated June 27, 2013, reference 01, is affirmed. The claimant's request to backdate the claim is denied.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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