

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

MICHELLE L BALDWIN
705 SE 3RD ST
LEON IA 50144

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-02305-CT
OC: 12/28/03 R: 03
Claimant: Appellant (2)

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, 4th 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)a,h(1)(2) – Backdating Claims

STATEMENT OF THE CASE:

Michelle Baldwin filed an appeal from a representative's decision dated February 19, 2004, reference 03, which denied her request to backdate her claim. After due notice was issued, a hearing was held by telephone on March 24, 2004. Ms. Baldwin participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Baldwin filed a claim for job insurance benefits effective December 28, 2003. She believed her weekly claim had been successfully entered when she called for the week ending January 3, 2004. When she called in for the week ending

January 10, the system advised her that her claim for the prior week had not been received. Therefore, she attempted to claim the two weeks. When she attempted to call in her claim for the week ending January 17, the system would not allow her to file. She was in contact with her local office the following week and was told that she was not eligible for benefits because she had not earned \$250.00 in insured wages since filing her prior claim. She was told she needed to submit proof of such earnings in order to unlock her claim.

Ms. Baldwin did not provide proof of her wages until the week of February 15, 2004. Her claim was reopened and a decision issued holding that she qualified for a second benefit year. Her requalifying wages were earned in the fourth quarter of 2003, prior to filing the claim effective December 28, 2003.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Baldwin should be allowed retroactive benefits. She made a good faith attempt to claim benefits during the first three weeks after filing her claim effective December 28, 2003. It appears that the system would not allow her to claim, presumably because she did not qualify for a second benefit year. Ms. Baldwin was in contact with her local office in an attempt to resolve the problem. Inasmuch as she was making a good-faith effort to file her claims, the administrative law judge concludes that retroactive claims shall be allowed. The payment of benefits for past weeks will necessarily depend on whether Ms. Baldwin satisfied all eligibility requirements during the weeks at issue.

DECISION:

The representative's decision dated February 19, 2004, reference 03, is hereby reversed. Ms. Baldwin shall be allowed to submit retroactive claims for the period commencing December 28, 2003.

cfc/b