

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KERRY A CHAMBERLAIN
Claimant

APPEAL 17A-UI-01256-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/01/17
Claimant: Appellant (2)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the January 24, 2017, (reference 01) decision that denied the request to backdate the claim for benefits prior to January 1, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call at 1:00 p.m. on Thursday, February 23, 2017. Claimant participated.

ISSUE:

May the claimant backdate the claim prior to January 1, 2017?

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 January 1, 2017, and desires to backdate the claim to December 25, 2016. Claimant had also filed a claim for benefits the prior year, and that claim year expired on December 25, 2016. Claimant went into the unemployment office on December 22, 2016, as that was her last day of work before the seasonal layoff. She believed she had effectively renewed her claim for the next benefit year. However, when she tried to file her weekly continued claim for benefits the following week, she could not because her claim had expired.

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 Code § 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), (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;

...

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;

...

(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 a 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.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 13-14:

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.

and

REACTIVATING A CLAIM

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week they want to start collecting benefits again.

The *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 9:

FILING WEEKLY CLAIMS

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- are currently unemployed or working reduced hours
- are able to work and available for work
- have not refused any job offers or referrals to a job
- are actively looking for work (unless waived)
- are reporting any pay or pension payment received

WHEN TO FILE

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 a.m. Saturday through 11:30 p.m. Sunday. Failing to do so can potentially delay benefits.

Here, claimant went into her local office to reactivate her claim on December 22, 2016. The evidence indicates claimant was not informed that her benefit year was expiring and she needed to contact the local office again the following week to file for a new benefit year. This failure by the department to recognize the expiration of the claimant's previous benefit year reasonably explains claimant's failure to file a new claim the first week of her new benefit year. Backdating is allowed.

DECISION:

The January 24, 2017 (reference 01) decision is reversed. The claimant's request to backdate the claim to December 25, 2016, is granted, as are the retroactive benefits for the same time period.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

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