

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARRIE R BAHNSEN
Claimant

APPEAL NO. 12A-UI-06154-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/13/12
Claimant: Appellant (1)**

871 IAC 24.2(1)h – Backdating Request

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's May 18 2012 determination (reference 01) that denied her request to backdate her claim prior to May 13, 2012. The claimant participated at the hearing. Based on the evidence, the claimant's arguments and the law, the administrative law judge denies the claimant's request to backdate her claim.

ISSUE:

Should the claimant's request to backdate her claim be granted?

FINDINGS OF FACT:

The claimant's employer laid her off from work on March 1, 2012. The claimant talked to a union representative about filing a claim for benefits because she did not know how long she would be laid off. The claimant understood it would be better if she did not file a claim for benefits right away. The claimant also understood the union representative would try to find out when the employer would ask her to return to work.

When the union representative and the employer did not contact her about returning to work, the claimant finally contacted both parties. As of the June 20, the employer had not called the claimant back to work. After the claimant used much of her savings, she decided to file a claim for benefits. She established a claim during the week of May 13, 2012. She made a request to backdate her claim to March 4, 2012.

REASONING AND CONCLUSIONS OF LAW:

A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect advice from a workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. 871 IAC 24.2(h).

Even though the claimant talked to a union representative, the representative was not a workforce employee. The facts do not indicate the employer intimidated the claimant. Waiting

two months before establishing a claim is not reasonable. The claimant's request to backdate her claim to March 4, 2012, is denied.

DECISION:

The representative's May 18 2012 determination (reference 01) is affirmed. The claimant did not establish a justifiable excuse for filing her claim two months after she was laid off from work. The claimant's request to backdate her claim is denied. The effective date of her claim is May 13, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw