

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL L FISHER
Claimant

APPEAL 18A-UI-00106-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/10/17
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the December 27, 2017, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to December 10, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on January 30, 2018. Claimant participated.

ISSUE:

May the claim be backdated prior to December 10, 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 December 10, 2017, and desires to backdate the claim to December 3, 2017. The claimant was laid off on December 1, 2017, and filed his initial claim on December 4 or 5, 2017. The claim appeared to have been successfully filed but was not, unbeknownst to claimant. Claimant attempted to file his continued weekly claim, but was unable to do so as the claim had not been opened for unknown technical reasons. Claimant then filed his initial claim again and asked that it be backdated. The department has not failed to recognize the expiration of the claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible.

The September 2017 *Unemployment Insurance Benefits Handbook*, provides in pertinent part at page 8:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am - 11:30 pm and Monday through Friday 8:00 am through 5:30 pm
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

The handbook provides in pertinent part at pages 13 and 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. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

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 he/she wants to start collecting benefits again. Any employment during the break must be reported.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 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) and (2) 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 files a claim for benefits.

(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:

1. The failure of the department to recognize the expiration of the claimant's previous benefit year;
2. The claimant filed an interstate claim against another state which has been determined as ineligible.

This case would normally be considered to meet the circumstances where backdating would be justified. However, effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating only in the two circumstances listed in the regulation above.. Neither of those reasons applies in this case. Unfortunately, the request for backdating the claim must be denied.

DECISION:

The December 27, 2017, (reference 01) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn