

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAWRENCE MAYES**  
Claimant

**APPEAL NO: 16A-UI-01419-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/17/16**  
**Claimant: Appellant (2)**

871 IAC 24.2(1) A&H (1)&(2) – Backdating Claim

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 27, 2016, reference 01, decision that denied his request to backdate his claim. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 29, 2016. The claimant participated in the hearing.

**ISSUE:**

The issue is whether the claimant's unemployment insurance benefits claim can be backdated.

**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 17, 2016. He was laid off from Holzworth Construction effective December 25, 2015, but the employer did not formally notify employees of the layoff and tell them to file for benefits until the week ending January 2, 2016. At that time the claimant filed his claim online and when it was completed he received a message indicating his application was successfully received. He did not hear from the Department for over two weeks and assumed it was because the Department was busy that time of year. After still not receiving any information from the Department he contacted the Des Moines office and was told his online claim had not been received. The representative then filed his claim effective January 17, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

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

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;

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, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

(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 the 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 claimant attempted to file his claim online the first week he was unemployed and believed he had done so successfully based on the computer message he received. He waited approximately two weeks to inquire with the Department about his claim because he believed

that was a reasonable amount of time for the Department to act. When he contacted the Des Moines office, however, he learned his online claim had never been received by the Department. Under these circumstances, the administrative law judge concludes the claimant has provided a good cause reason for having failed to file a claim during the first week of unemployment. Therefore, backdating is allowed.

**DECISION:**

The January 27, 2016, reference 01, decision is reversed. The claimant's request to backdate the claim is allowed.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs