

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAVID J ORRICO
Claimant

APPEAL 17A-UI-10459-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/03/17
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 October 3, 2017, (reference 03) unemployment insurance decision that denied the request to backdate the claim for benefits prior to September 3, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on October 30, 2017. Claimant participated.

ISSUE:

May the claim be backdated prior to September 3, 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 September 3, 2017, and desires to backdate the claim to August 20, 2017. Claimant initially filed a claim in Iowa with an effective date of July 16, 2017. Claimant was instructed to file a claim in Minnesota and first exhaust his benefits there. Claimant complied and was found eligible for benefits. Claimant exhausted his benefits in Minnesota on August 19, 2017. Claimant was instructed to then file a claim in Iowa. Claimant filed a claim in Iowa on August 21, 2017. The claim appeared to have been successfully filed and claimant saw the screen that gave him instructions on filing a continued weekly claim. That weekend, claimant attempted to file a continued weekly claim but an error message came up. Claimant thought maybe it was because of his claim in Minnesota just ending. Claimant attempted to file his continued weekly claim again the next weekend, but again received an error message. Claimant called the agency the next week and was instructed to file his initial claim. Claimant did so and requested the claim be backdated.

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.

Effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only the two reasons cited above. Unfortunately, neither of those reasons applies in this case. Accordingly, the backdating request is denied.

DECISION:

The October 3, 2017, (reference 03) 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