

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN JANSEN
Claimant

APPEAL NO: 15A-UI-08316-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/24/14
Claimant: Appellant (1)**

871 IAC 24.2(1)a & h(1) & (2) - Backdating

STATEMENT OF THE CASE:

Brian Jansen (claimant) appealed a representative's July 21, 2015 decision (reference 02) that denied the claimant's request to backdate his additional claim prior to July 12, 2015. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 17, 2015. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant established an unemployment insurance benefit year effective August 24, 2014. The claim was inactive after September 6, 2014, was reactivated by an additional claim effective October 19, 2014, then was again inactive after October 25, 2014, and so became dormant.

The claimant had a temporary separation from employment through a layoff from work effective July 2, 2015. He was off work for the week of July 5 through July 11. He did not make any efforts to reactivate his unemployment claim that week. He knew he needed to do something the week of July 5, but he was out of town as of July 3 because of his father's final days and death. He was not able to call to take action because he did not have a phone number, he had poor cell phone coverage, and the internet coverage was spotty. He did try to make a weekly continued claim on July 12; that attempt had the effect of reopening the existing claim, but effective July 12.

REASONING AND CONCLUSIONS OF LAW:

The effective date of a claim year is the Sunday of the calendar week during which the claim was created. Rule 871 IAC 24.1(1). Therefore, the action of creating a claim must occur by the Saturday of the week in which the claimant wishes to have the claim active. After a claim year is created, it runs for 52 weeks; for each individual week for which a claimant seeks benefits he

must then file a weekly continued claim no earlier than noon on the Saturday of that week, but which could also be (and is frequently) done on the next day, the Sunday of the next week. Rule 871 IAC 24.2. If a claim has become inactive because there has been an intervening period of employment, the claim must be reactivated with an additional claim before resuming filing weekly claims. Rule 871 IAC 24.1(1). Therefore, a claimant who does not have a currently active claim is required to follow a two-step process of first establishing the claim year or reactivating the claim year with an additional claim, and then making the weekly continued claim for that specific week.

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 did something to prevent the claimant from making a prompt filing of a claim. Rule 871 IAC 24.2(1)h. The facts indicate the claimant failed to reactivate his claim with an additional claim during the week ending July 11 because he was out of town. While this was for a good personal reason, it was a reason that likely would have rendered him unable and unavailable for work, and not eligible for benefits, and is not a reason attributable to the Agency or to the employer. He has not established sufficient grounds to backdate his claim. His request to backdate his claim to July 5, 2015, must be denied.

DECISION:

The representative's July 21, 2015 decision (reference 02) is affirmed. The claimant's request to backdate his claim is denied.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs