

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW A GARVEY**  
Claimant

**APPEAL NO. 12A-UI-05870-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/29/12**  
**Claimant: Appellant (1-R)**

871 IAC 24.2(1)a & h - Backdating

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision dated May 17, 2012, reference 01, decision that denied the request to backdate his claim for benefits. The claimant agreed to have the hearing on May 29, 2012, rather than postpone to a date after June 14, 2012.

**ISSUE:**

The issue is whether the claim may 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 April 29, 2012. He had returned from being out of state since January 23, 2012 on the prior Thursday, April 26, 2012. He had a previous claim effective March 6, 2011. His weekly benefit amount for the 2012 claim was only \$82.00, whereas it was \$376.00 on the prior benefit year. He elected to file as "reopened" on the 2011 benefit year to obtain a higher weekly benefit amount.

The records of Iowa Workforce Development show he did receive \$82.00 per week on the claim effective April 29, 2012 for the three-week period ending May 19, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.2(1)a provides:

- a. Following separation from work, any individual, in order to establish a benefit year during which the individual may receive benefits because of unemployment shall report in person to the nearest workforce development center which takes claims and shall file an initial claim for benefits and register for work.

The claim does not need to be backdated, as he has a claim effective April 29, 2012. His option to reopen on the previous benefit year to get a higher weekly benefit amount may have delayed

the receipt if benefits. He is now eligible to call in his weekly claim on the benefit year beginning March 6, 2011.

**DECISION:**

The representative's decision of May 17, 2012, reference 01, is affirmed. The claimant's request to backdate the claim is not necessary, as he did file a claim effective April 29, 2012, and received at least three weeks of benefits on that claim.

This matter is remanded to assure the benefits paid on the 2012 claim are accounted for on the 2011 claim.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw