

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATHEW J VANDER HEIDEN
Claimant

APPEAL NO. 06A-UI-11772-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/01/06 R: 03
Claimant: Appellant (2)**

871 IAC 24.2(1) – Backdating Claims

STATEMENT OF THE CASE:

Mathew J. Vander Heiden filed a timely appeal from an unemployment insurance decision dated December 4, 2006, reference 02, that denied his request to backdate his additional claim prior to November 19, 2006. After due notice was issued, a telephone hearing was held December 18, 2006 with Mr. Vander Heiden participating.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Mathew J. Vander Heiden became unemployed on November 6, 2006. He attempted to establish an additional claim for benefits. He was instructed that he needed to speak an Agency representative. He called several times and was left on hold for extended periods of time. He finally made contact during the week of November 19, 2006.

REASONING AND CONCLUSIONS OF LAW:

The question is whether it is appropriate to allow the backdating of Mr. Vander Heiden's additional claim. It is.

A provision of the Iowa Administrative Code, 871 IAC 24.2(1), establishes a general rule that claims for unemployment insurance benefits are effective on the Sunday of the calendar week in which the individual contacts the Agency to request establishment of the claim. The evidence in this record persuades the Administrative Law Judge that Mr. Vander Heiden made a good faith effort to contact the Agency beginning with his unemployment on November 6, 2006. The administrative law judge notes that Mr. Vander Heiden lives in a rural area. He does not have easy access to any of the Agency's field offices. The backdating request is granted.

DECISION:

The unemployment insurance decision dated December 4, 2006, reference 02, is reversed.
The claimant's request to backdate his claim to November 5, 2006 is granted.

Dan A. Anderson
Administrative Law Judge

Decision Dated and Mailed

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