

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEIGH P IRELAND

Claimant

APPEAL NO. 14A-UI-01028-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/12/14

Claimant: Appellant (1)

871 IAC 24.2(1)(a) & (h)(1) & (2) – Backdated Claim

STATEMENT OF THE CASE:

Leigh Ireland filed a timely appeal from the January 27, 2014, reference 01, decision that denied his request to backdate his claim to a date prior to January 12, 2014. After due notice was issued, a hearing was held on February 19, 2014. Mr. Ireland participated. Exhibit A was received into evidence. Exhibits A and B were received into evidence. The administrative law judge took official notice of the Agency's administrative file.

ISSUE:

Whether there is good cause to backdate Mr. Ireland's claim for benefits to a date prior to January 12, 2014.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Effective December 20, 2013, Leigh Ireland was temporarily laid off from his full-time employment at Mau Marine, Inc. Mr. Ireland had advance warning of the temporary layoff and made plans to travel to New Hampshire to spend time with his family. Prior to the layoff, the employer had told Mr. Ireland that it was no longer possible to establish a claim for unemployment insurance benefits by telephone and that he would need to apply via the Workforce Development website. At the time of the layoff, Mr. Ireland knew that the employer would be recalling him to the employment in three weeks. Mr. Ireland left for New Hampshire on December 20, 2013. Mr. Ireland did not take any steps to establish a claim for unemployment insurance benefits before he left for New Hampshire. During his time in New Hampshire, Mr. Ireland was in a rural location and did not have Internet access. Mr. Ireland returned to Iowa and to work on Monday, January 13, 2014. Once Mr. Ireland returned to Iowa, he filed an online application for unemployment insurance benefits during the week of January 12-18, 2014. Workforce Development deemed the claim to be effective January 12, 2014.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence indicates sufficient grounds to justify or excuse the delay in filing for benefits through Iowa Workforce Development and whether good cause exists to backdate the claim for benefits.

871 IAC 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 evidence in the record establishes that the delay in filing the claim for benefits was wholly attributable to Mr. Ireland's decision to go on vacation to New Hampshire without first taking steps to establish his claim for unemployment insurance benefits. Mr. Ireland knew that he needed to apply for benefits via the Internet and elected to go to a remote area of New Hampshire where he knew he would not have Internet access. Mr. Ireland then elected to stay in that remote area on New Hampshire until he returned to Iowa on January 13, 2014. Mr. Ireland's first contact with Workforce Development to establish a claim for benefits occurred after Mr. Ireland returned to Iowa. Workforce Development assigned January 12, 2014 as the effective date of the claim for benefits, based on Mr. Ireland's application for benefits that week. The request to backdate the claim is denied.

DECISION:

The Claims Deputy's January 27, 2014, reference 01, decision is affirmed. Good cause does not exist to backdate the claim for benefits to a date prior to January 12, 2014. The claimant's request to backdate the claim is denied.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs