

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN K ZOLL
Claimant

APPEAL 17A-UI-09167-SC-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/13/17
Claimant: Appellant (1)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Brian K. Zoll (claimant) filed a timely appeal from the August 28, 2017, reference 01, unemployment insurance decision that denied his request to backdate the claim for benefits prior to August 13, 2017. After due notice was issued, a hearing was held by telephone conference call on September 25, 2017. The claimant participated.

ISSUE:

May the claim be backdated prior to August 13, 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 August 13, 2017, and desires to backdate the claim to July 30, 2017, the week after his prior claim year expired. The claimant had reactivated his prior claim for benefits the week of July 9, 2017. He then filed for three weeks before his claim year expired on July 30, 2017.

On July 19, 2017, Iowa Workforce Development (IWD) mailed the claimant a letter notifying him that his claim year was expiring and he would need to file a new claim for benefits the week of July 30, 2017. The claimant was on vacation at the end of July and does not know if he received the letter.

The claimant filled out his new claim for benefits on Wednesday, August 9, 2017, but did not submit his claim as he realized his benefit year would not start until August 6. He then waited until the following week to contact IWD and file his claim for benefits. The claimant did not file his claim for benefits in another state.

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 § 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.

IWD did not fail to recognize the end of the claimant's previous benefit year as it sent him a letter notifying him that he would need to file a new claim the week of July 30, 2017. The claimant did not file his claim in another state. The claimant's reason for delaying to file his claim does not fall under either of the allowable backdating reasons. Backdating must be denied.

DECISION:

The August 28, 2017, reference 01, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to July 30, 2017 is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn