

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES W ZIMMERMAN
Claimant

APPEAL 18A-UI-07150-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/03/17
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:

Claimant filed a timely appeal from the June 25, 2018, (reference 02) unemployment insurance decision that denied the request to backdate the claim for benefits prior to June 17, 2018. After due notice was issued, a hearing was scheduled to be held by telephone conference call on July 20, 2018. Claimant James W. Zimmerman participated. The administrative law judge took official notice of the administrative record. Additionally, the administrative law judge left the record open until 4:30 p.m. on July 23, 2018, for claimant to submit additional documentation. Claimant failed to submit any additional documentation before the record closed.

ISSUE:

May the claim be backdated prior to June 17, 2018?

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 September 3, 2017, and an additional claim date effective June 17, 2018, and desires to backdate the claim to June 10, 2018, because of an issue with a claim in another state. Claimant worked for AgCo in Minnesota and thought he was supposed to file in Minnesota instead of Iowa. After claimant filed his claim in Minnesota, he received a letter stating he was denied because he had prior unemployment in Iowa. Claimant did not submit a copy of this letter to the Appeals Bureau.

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 section 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) provides:

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 only be backdated prior to the first day of the calendar week in which the claimant does report and file a claim if the claimant filed an interstate claim against another state which has been determined as ineligible.

Iowa Admin. Code r. 871-24.37(1)d(4) provides:

Section 96.20 of the employment security law of Iowa authorizes the department to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government, or both. In conformity with this section, the department of workforce development prescribes:

d. Benefit rights of interstate claimants.

(4) The effective date of an interstate claim shall be the Sunday of the week the claim was filed, except if proof is obtained from another state that the claimant filed in that state and it was determined that the claim should have been filed in Iowa.

While the claimant may have presented reasons for backdating that would have previously been considered "sufficient grounds" to grant the request, Iowa Admin. Code r. 871-24.2(1)h(2) allows backdating for only the reason cited above. Claimant did not furnish proof to the department that he had an interstate claim that was deemed ineligible. Accordingly, the backdating request must be denied.

DECISION:

The June 25, 2018, (reference 02) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn