

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**GLORIANE R ROMAN
619 JONADEL LN NW
CEDAR RAPIDS IA 52405**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-11220-AT
OC: 09-26-04 R: 03
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2(1) – Backdating Claims

STATEMENT OF THE CASE:

Gloriane R. Roman filed a timely appeal from an unemployment insurance decision dated October 11 2004, reference 02, which denied her request to backdate her claim prior to September 26, 2004. Due notice was issued for a telephone hearing to be held November 1, 2004. At the time of the hearing, Ms. Roman elected to rely upon the statements contained in her appeal letter.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: On September 13, 2004, Gloriane R. Roman filed a claim for unemployment insurance benefits and registered for work on-line. For unknown reasons, the Agency has a record of the work registration application but not the request for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The question is whether it is appropriate to allow Ms. Roman to backdate her claim to September 12, 2004, the Sunday of the calendar week in which she first contacted the Agency. The administrative law judge concludes that it is.

The administrative law judge concludes that Ms. Roman made a good faith effort both to register for work and to apply for unemployment insurance benefits when she contacted the Agency on September 13, 2004. Whether there was an inadvertent error by the Agency or by her or if there was an error by the internet service provider, the administrative law judge concludes that Ms. Roman intended to file a claim for benefits and took those steps which she reasonably believed were sufficient to file her claim.

DECISION:

The unemployment insurance decision dated October 11, 2004, reference 02, is reversed. The claimant's request to backdate her claim to September 12, 2004 is granted.

tjc/tjc