

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DOUGLAS M WILSON JR**  
Claimant

**APPEAL 17R-UI-03601-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/22/17  
Claimant: Appellant (2)**

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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 January 27, 2017, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to January 22, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on April 27, 2017. Claimant participated personally. Geneva White observed. Claimant's Exhibit A was received.

**ISSUE:**

May the claim be backdated prior to January 22, 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 January 22, 2017, and desires to backdate the claim to January 1, 2017. Claimant was informed by his lead worker that he was being laid off during the one week ending January 7, 2017. Claimant's lead worker informed him the company would take care of filing for unemployment benefits on claimant's behalf. When claimant returned to work on Monday, January 9, 2017, he had not received anything in the mail regarding unemployment benefits. Claimant discussed the issue with employer's human resource department where he learned he was responsible for filing his own claim. The human resource department gave claimant the phone number for IWD's office located in Davenport, Iowa. Claimant called the number several times, but no one answered. Finally, claimant spoke with someone who directed him to call the customer service line. Claimant was then assisted in filing a claim and requesting it be backdated. During the one week ending January 7, 2017, claimant received \$114.00 in holiday pay.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is granted.

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) § 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.

Misrepresentation from the employer about filing for unemployment insurance benefits is considered a good cause reason for having failed to file a claim during the first week of unemployment. Backdating is allowed.

**DECISION:**

The January 27, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to January 1, 2017, is granted, as are retroactive benefits for the one week ending January 7, 2017. Claimant earned \$114.00 in holiday pay during the one week ending January 7, 2017.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

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Decision Dated and Mailed

cal/rvs