

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CINDY E NELSON
Claimant

APPEAL NO. 09A-UI-03837-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 02/01/09
Claimant: Appellant (2)**

871 IAC 24.2(1) – Backdating Claims

STATEMENT OF THE CASE:

Cindy E. Nelson filed a timely appeal from an unemployment insurance decision dated March 5, 2009, reference 01, that denied her request to backdate her claim prior to February 1, 2009. After due notice was issued, a telephone hearing was held March 30, 2009, with Ms. Nelson participating.

ISSUE:

Is it appropriate to allow backdating this claim to January 25, 2009?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Cindy E. Nelson was one of the first employees of Gannett to take a furlough in the first quarter of 2009. Notified late in the week of January 18, 2009, of the impending furlough, Ms. Nelson elected to take her furlough the week of January 25, 2009. She had worked for her employer for approximately 12 years and was unfamiliar with the procedural law of unemployment insurance. She filed her claim for benefits during the week of February 1, 2009, after she returned to work. Her experiences have made it possible for coworkers to avoid the same problem.

REASONING AND CONCLUSIONS OF LAW:

The question is whether it is appropriate under the present circumstances to allow the backdating of this claim. The administrative law judge concludes that it is.

Economic times such as these are affecting employees with stable employment histories. People with no experience in unemployment insurance claims are now learning the mechanics of filing those claims. At the same time, employers such as Gannett are doing what they can do to avoid permanent layoffs. The administrative law judge concludes that it would be unfair to penalize Ms. Nelson for volunteering to be among the first in this area to take a furlough.

DECISION:

The unemployment insurance decision dated March 5, 2009, reference 01, is reversed. The claimant's request to backdate her claim to January 25, 2009, is granted.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw