

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TED L BROWN
Claimant

APPEAL 17A-UI-04985-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/23/17
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 3, 2017, (reference 01) decision that denied his request to backdate the claim for unemployment benefits prior to April 23, 2017. After due notice was issued, a hearing was held by telephone conference call on May 31, 2017. Claimant participated.

ISSUE:

Can the claimant's claim for unemployment insurance benefits be backdated prior to April 23, 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 April 23, 2017 and desires to backdate the claim to April 16, 2017. Claimant delayed filing the claim because John Deere, his employer had previously filed all new claims for all employees. The claimant had not been told that he would need to file his new claim himself when his old one expired. The claimant has been sent another copy of the handbook for filing unemployment insurance claims and now understands his obligation regarding filing his claim.

The claimant did not work or earn any wages for the week ending April 22, 2017.

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 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 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.

The claimant's employer, John Deere had always filed new claims for all employees. When John Deere stopped filing the new claims, the claimant was not told of his obligation to file his claim on his own. Claimant has been sent the handbook and now understands his obligations regarding filing his claim. Claimant has established a good cause reason for having failed to file a claim during the first week of unemployment. Backdating is granted. Claimant's claim shall be back dated to April 16, 2017 and he shall be paid full unemployment insurance benefits for the week ending April 22, 2017.

DECISION:

The May 3, 2017, (reference 01) decision is reversed. The claimant's request to backdate the claim to April 16, 2017 is granted. Claimant shall be paid full unemployment insurance benefits for the week ending April 22, 2017.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs