

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

AMY CRUCHELOW

Claimant,

and

IOWA WORKFORCE DEVELOPMENT

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HEARING NUMBER: 14B-UI-12105

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 24.2-1-A&H1&2

DECISION

The Claimant appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

The administrative law judge's Findings of Fact are adopted by the Board as its own.

REASONING AND CONCLUSIONS OF LAW:

Agency rule 871 IAC 24.2(1)h provides that claims for unemployment insurance benefits are ordinarily effective on the Sunday of the calendar week in which the individual files the initial claim. For good cause, a claim may be backdated. The reason the claimant failed to file an earlier unemployment insurance claim was because the employer provided information to the claimant's union representative which prevented the claimant from promptly filing a claim, and the claimant relied on incorrect advice given to a similarly situated coworker by an IWD employee. Had only the Employer supplied the misinformation we would likely not grant backdating, as the grounds for backdating include "coercion or intimidation" exercised by the employer, not merely mistaken advice. 871 IAC 24.2(1)(h)(2). Here, however, the IWD supplied misinformation albeit not directly to the Claimant. The Claimant, however, got this misinformation from an identically situated co-worker who had spoken with IWD, and we note that other co-workers who also got this information indirectly were allowed backdating. By regulation IWD misinformation is ground for backdating. 871 IAC 24.2(1)(h)(2). Backdating to June 30 is allowed.

DECISION:

The administrative law judge's decision dated November 21, 2013 is **reversed**. The Employment Appeal Board concludes that the claimant had good cause for delaying the filing of her claim. Accordingly the request to backdate the claim is allowed.

Monique F. Kuester

Cloyd (Robby) Robinson

RRA