

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CRAIG A DEUTMEYER
Claimant

APPEAL 17A-UI-00121-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/18/16
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the December 29, 2016, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to December 18, 2016. After due notice was issued, a hearing was scheduled to be held by telephone conference call on January 26, 2017. Claimant participated. Patty Deutmeyer participated on claimant's behalf. Official notice was taken of the administrative record of claimant's benefit payment history and his weekly claim history, with no objection.

ISSUE:

Should the claim be backdated prior to December 18, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of December 18, 2016, and wishes to backdate the claim to December 11, 2016. Claimant was laid off the week beginning December 11, 2016. On December 10 or 11, 2016, Ms. Deutmeyer and claimant opened/reopened his claim for benefits; however they opened/reopened his claim under the claim year with an effective date of December 13, 2015. Claimant opened/reopened his claim so he could file a weekly continued claim for the week ending December 17, 2016. Claimant normally files his weekly claim on Saturday. On December 17 or 18, 2016, claimant attempted to file his continued weekly claim for the week ending December 17, 2016, but he was unable to complete the process. Claimant and Ms. Deutmeyer both contacted Iowa Workforce Development (IWD) about the issue. On December 20, 2016, an IWD employee told claimant and Ms. Deutmeyer that claimant had filed his weekly claim on the prior claim year, which had expired. The IWD employee told them that claimant should have opened a new claim with a new claim year. Claimant then opened a new claim under a new claim year.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes 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) 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.

Claimant was not aware when he opened/reopened his claim it was under a claim year that expired on December 11, 2016. Claimant's confusion about needing to open a new claim year, given the timing of the expiration of claimant's benefit year with an effective date of December 13, 2015 and the week claimant was attempting to file his weekly claim for (the week ending December 17, 2016), is reasonable. Claimant has presented good cause to backdate the claim to December 11, 2016. Backdating is allowed.

DECISION:

The December 29, 2016, (reference 01) unemployment insurance decision is reversed. Claimant's request to backdate the claim to December 11, 2016, is granted.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs