

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRENDA K VAN VLEET**  
Claimant

**APPEAL NO. 13A-UI-03936-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/09/12**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)h - Backdating

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated March 25, 2013, reference 02, that denied her request to backdate her claim. A telephone hearing was held on April 29, 2013. The claimant participated in the hearing.

**ISSUE:**

When should the claimant's claim for unemployment insurance benefits be made effective?

**FINDINGS OF FACT:**

The claimant had filed a claim for unemployment insurance benefits effective December 9, 2012, after a temporary holiday layoff from her job with AmeriServe Food Service. She returned to work but was laid off again for spring break during the weeks of March 3 and March 10.

The claimant understood that she needed to file an additional claim for benefits online to receive benefits. She attempted to file her additional claim on line during the week of March 3, 2013, but due to problems with the Iowa Workforce Development computer system, she kept being kicked off the system before the claim was submitted. She called Iowa Workforce Development and was told that her claim would be backdated to be effective March 3, 2013, but the claim was made effective March 10 and she was not paid benefits for the week ending March 9, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is on what date the claim for benefits should be made effective.

The unemployment insurance rules state when claim are made effective in 871 IAC 24.2(1)h(1) and (2).

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.

The reason the claimant failed to file an earlier unemployment insurance claim was because of IWD computer problems. The claimant has established sufficient grounds to justify or excuse the delay in filing her claim. The claim for unemployment insurance benefits is effective March 3, 2013.

**DECISION:**

The unemployment insurance decision dated March 25, 2013, reference 02, is reversed. The claimant's request to backdate the claim to March 3, 2013, is granted.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/css