

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ALAN F RIEMENSCHNEIDER**  
Claimant

**APPEAL 18A-UI-06421-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/27/18  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Alan F. Riemenschneider (claimant) filed a timely appeal from the June 8, 2018, reference 01, unemployment insurance decision that denied the request to backdate the claim for benefits prior to May 27, 2018. After due notice was issued, a telephone hearing was held on June 27, 2018. The claimant participated.

**ISSUE:**

May the claim be backdated prior to May 27, 2018?

**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 May 27, 2018 and desires to backdate the claim to May 20, 2018, the first week of his temporary lay-off. The claimant requested backdating on May 29, 2018. The claimant delayed filing the claim because he mistakenly believed he could wait until Sunday, May 27, to file his claim for benefits. He did not read the Unemployment Insurance Handbook or contact Iowa Workforce Development during the week of May 20 to verify the process for filing for unemployment insurance benefits. The claimant's prior claim year expired on January 7, 2018 and he did not file his current claim for benefits in another state.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is denied.

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, effective July 12, 2017<sup>1</sup>:

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 files a claim for benefits.

(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:

1. The failure of the department to recognize the expiration of the claimant's previous benefit year;
2. The claimant filed an interstate claim against another state which has been determined as ineligible.

Backdating is allowed for only the two reasons cited above. Neither of these reasons applies in this case. Accordingly, the backdating request must be denied.

**DECISION:**

The June 8, 2018, reference 01, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to May 20, 2018 is denied.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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<sup>1</sup> The regulations have been amended effective June 27, 2018. The current amendment eliminates the ability to backdate a claim when the department fails to recognize the expiration of the claimant's previous benefit year. The July 2017 version of the rule is being used in this case because the claimant made his request to backdate his claim prior to the new regulations going into effect.