

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GENEVIEVE C ALMANDINGER
Claimant

APPEAL NO. 09A-UI-00233-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/30/07 R: 03
Claimant: Appellant (2)**

871 IAC 24.2(1)(h) - Backdate a Claim

STATEMENT OF THE CASE:

Genevieve C. Almandinger (claimant) appealed a representative's December 31, 2008 decision (reference 01) that denied her request to backdate her reopened claim prior to December 21, 2008. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 21, 2009. The claimant participated in the hearing. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request to backdate her claim to December 14, 2008, be granted?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 30, 2007. On December 10, 2008, a Workforce representative went to the claimant's place of employment, Maytag Corporation at Middle Amana, and allowed employees to make a group filing. On December 10, the claimant turned in completed paperwork she received at this meeting.

The claimant did not work any hours December 14 through 20, 2008. On December 21, the claimant called in her claim for the week ending December 20. While the claimant was on the phone, she received a message that her claim for the week ending December 20 had been filed and she could hang up the phone. On December 26, the claimant checked to see if benefits for the week ending December 20 had been deposited in her bank account. The claimant discovered she had not received any benefits for the week ending December 20, 2008. The claimant then called her local Workforce office and learned the last benefits paid to her were for the week ending November 29, which had been deposited in her bank account on December 3, 2008.

On December 29, the claimant went to her local Workforce office. The Workforce representatives told the claimant she needed to complete a form requesting that her claim be backdated to December 14, 2008. The claimant made such a request.

REASONING AND CONCLUSIONS OF LAW:

A claim for benefits is effective as of Sunday in the current calendar week in which a person files or establishes a claim for benefits. Claims can be backdated prior to the week in which the individual files if there are sufficient grounds to justify or excuse the delay in filing a claim. Sufficient grounds includes receiving incorrect information from a Workforce representative or if an employer intimidated a person to prevent the prompt filing of a claim. 871 IAC 24.2(1)(h).

The evidence establishes the claimant completed paperwork and submitted paperwork to her local Workforce representative on December 10, 2008. The claimant understood her claim would be reopened as of December 14, 2008. Since the claimant did not work the week ending December 20, she properly called in a claim for this week. The call-in system indicated her claim had been properly recorded and told the claimant she could hang up. Since the claimant followed her local Workforce representative's instructions and she submitted paperwork on December 10, her request to backdate her claim to December 14, 2008, is granted. This means the claimant also timely submitted a claim for the week ending December 20 and she should receive benefits for this week if she has met all other eligibility requirements.

DECISION:

The representative's December 31, 2008 decision (reference 01) is reversed. Since the claimant timely submitted paperwork to reopen her claim to be effective as of December 14, 2008, the claimant should not have been required to request her claim be backdated. Based on the facts in this case, the claimant established she properly reopened her claim. The claimant's reopened claim is effective as of December 14, 2008, instead of December 21, 2008. This means the claimant is eligible to receive benefits for the week ending December 20, 2008, because she timely filed a claim for this week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw