

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY A STREETS
Claimant

APPEAL NO: 14A-UI-03516-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/22/13
Claimant: Appellant (2)

Iowa Admin. Code r. 871-24.2(1)h - Backdate

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 25, 2014 determination (reference 01) that denied her request to backdate her claim prior to March 23, 2014. The claimant participated at the April 18 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request to backdate her additional claim.

ISSUE:

Should the claimant's request to backdate her claim be granted or denied?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 22, 2013. The last weekly claim the claimant submitted was for the week ending January 4, 2014. The claimant did not work the week ending March 22, 2014. She tried to file a claim for this week on-line on March 22. When she could not file her weekly claim, the claimant tried to reopen her claim by calling Customer Service. The claimant had problems getting through to a customer service representative. When she finally got through, it was just before 2:00 p.m. when the customer service phones closed. As a result, the claimant's call was disconnected and she was unable to get assistance in getting her claim reopened on March 22.

She contacted Customer Service again on Monday, March 23. Her additional claim was made effective as of Sunday, March 23, 2014. The claimant wants to file a claim for the week ending March 22 and requested that her claim be backdated to March 16, 2014.

REASONING AND CONCLUSIONS OF LAW:

When filing for benefits, the effective date is Sunday of the current calendar week in which the claim is filed. A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect advice from a Workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. Iowa Admin. Code r. 871-24.2(h).

The claimant did not realize she needed to reopen her claim when she had not filed a weekly claim since January 4, 2014. When the claimant could not file her weekly claim on Saturday, March 22, she took reasonable steps by calling the Department's customer service phone number. Unfortunately, the claimant's phone call was not timely answered and when her call was answered it was before the 2:00 p.m. deadline for calls. The claimant's March 22 call was disconnected. The claimant then contacted the Customer Service phone number again on Monday and she was assisted in filing an additional claim. The problem is that the claimant only wants to file a claim for benefits for the week ending March 22.

The claimant established sufficient grounds to backdate her claim to March 16, 2014. The effective date of her additional claim is March 16, not March 23, 2014.

DECISION:

The representative's March 25, 2014 (reference 01) determination is reversed. The claimant's request to backdate her claim to March 16, 2014, is granted. The effective of her additional claim is March 16, not March 23, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css