

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ZEFERINO HERNANDEZ
Claimant

APPEAL NO. 14A-UI-03665-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/16/14
Claimant: Appellant (1)**

871 IAC 24.2(1)a & h(1) & (2) - Backdating

STATEMENT OF THE CASE:

Zeferino Hernandez (claimant) appealed an unemployment insurance decision dated March 31, 2014, (reference 02), which denied his request to backdate his claim prior to March 16, 2014. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on April 28, 2014. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant's unemployment insurance claim should be backdated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was temporarily laid off for the one-week period beginning March 9, 2014. He had to take care of family matters out of state and did not file his claim until the week of March 16, 2014. The claimant requests to backdate his claim one week.

REASONING AND CONCLUSIONS OF LAW:

Agency rule 871 IAC 24.2(1)h provides that claims for unemployment insurance benefits are ordinarily effective on the Sunday of the calendar week in which the individual files the initial claim. A claim may be backdated prior to the first day of the calendar week in which the claimant does report and file a claim if he presents sufficient grounds to justify or excuse the delay. 871 IAC 24.2(1)h(2). Sufficient grounds under the statute include delays due to: a mass layoff; incorrect advice by an Agency employee; failure of the Agency to recognize the expiration of the claimant's previous benefit year; failure of the Agency to discharge its responsibilities; an interstate claim against another state which has been determined as ineligible; failure on the employer's part to comply with the law or Agency rules; and coercion or intimidation by the employer to prevent the prompt filing of the claim.

The claimant did not file his claim when he was laid off during the week of March 9, 2014, because he was handling serious family matters out of state. While his actions are certainly reasonable, he has not established sufficient grounds as specified above, to justify or excuse the delay in filing his claim during the first week of unemployment. Backdating is denied.

DECISION:

The unemployment insurance decision dated March 31, 2014, (reference 02), is affirmed. The claimant's request to backdate his claim is denied.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs