

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CODY S HECKART
Claimant

APPEAL 16A-UI-13674-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 08/28/16
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Cody S. Heckart (claimant) filed a timely appeal from the December 21, 2016, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to December 11, 2016. After due notice was issued, a hearing was scheduled to be held by telephone conference call on January 18, 2016. No hearing was held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

ISSUE:

May the claim be backdated prior to December 11, 2016?

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 August 28, 2016, and an additional claim date effective December 11, 2016, and desires to backdate the claim to December 4, 2016. The claimant delayed filing the claim because his employer has always filed his claim for benefits in the past. He was laid off the week of December 4, 2016 and believed the employer was filing his claim for benefits. The claimant learned the week after he returned to work that the process had changed. He filed his claim for benefits once he learned the employer had not filed the claim.

REASONING AND CONCLUSIONS OF LAW:

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

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:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) § 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 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, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

The administrative record shows the claimant has not had any other backdating denials and it does not appear he has had any prior breaks in his yearly claim that required him to reactivate his claim. Additionally, the employer changed its process without notice. The claimant has

presented good cause reasons for the delay in filing for unemployment insurance benefits. Backdating is allowed.

DECISION:

The December 21, 2016, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to December 4, 2016, is granted, as are retroactive benefits for the same time period.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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