

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ALAN M BENNETT
Claimant

APPEAL 16A-UI-09835-JCT

**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)h(1) & (2) – Backdating

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 8, 2016, (reference 02) unemployment insurance decision that denied the claimant's request to backdate his claim. After due notice was issued, a telephone hearing was held on September 23, 2016. The claimant participated personally. Department exhibit D-1 and was admitted into evidence. The administrative law judge took official notice of the administrative record, including fact-finding documents. Based on the evidence, the argument presented, 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 requests to backdate his claim be granted?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that:

The claimant opened his claim effective August 28, 2016, in response to a temporary layoff at John Deere. The lay-off occurred the week of August 21 to 27, 2016. For the past twelve years, John Deere has opened claims for its employees until this year. This was the claimant's first attempt to open his own claim. The claimant was given a "cheat sheet" by the employer but misunderstood the instructions. Consequently, the claimant first attempted to open his claim on Sunday, August 28, 2016. When the claimant learned his claim would not be applied toward his first week of unemployment, he immediately contacted IWD for assistance.

The claimant seeks to backdate his claim to August 21, 2016.

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 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) 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 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 reason the claimant failed to file an earlier unemployment insurance claim was because for the past twelve years he received assistance from his employer, John Deere. The employer provided the claimant a "cheat sheet" to guide him to open the claim but the claimant misunderstood the directions. The claimant made a good faith effort to open his claim on

August 28, 2016, and upon learning he was unsuccessful, immediately contacted IWD for assistance. The administrative law judge is persuaded the claimant has established sufficient grounds to justify or excuse the delay in filing his claim. The claim for unemployment insurance benefits is effective August 21, 2016.

DECISION:

The September 8, 2016, (reference 02) decision is reversed. The claimant's request to backdate the claim to August 21, 2016 is granted, as are retroactive benefits for the same period. Benefits are allowed, provided he is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/pjs