

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**MIRANDA L REINHARDT**  
Claimant

**APPEAL NO: 15A-UI-08360-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/12/15  
Claimant: Appellant (2/R)**

Section 871 IAC 24.2(1)a & h(1) & (2) – Request to Backdate Claim

**STATEMENT OF THE CASE:**

Miranda Reinhardt (claimant) appealed a representative's July 22, 2015, decision (reference 01) that denied a request to backdate the claim for benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on August 18, 2015. The claimant did participate.

**ISSUE:**

The issue is whether the claimant's request to backdate the unemployment insurance claim should 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 took a five-week voluntary layoff from Paladin from July 6 to August 10, 2015. She tried to file her file her claim for unemployment insurance benefits on July 11, 2015, but the website would not take her claim. She tried again with help from a department worker on July 13, 2015, and it would not take her claim. On July 14, 2015, the claimant was finally able to file her claim with help. The claimant filed a claim for benefits with an effective date of July 12, 2015. The claimant requests that the claim be backdated to July 5, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant's request to backdate the claim should be allowed.

Iowa Admin. Code r. 871-24.2(1)h(1), (2) and (3) 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.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating shall not be allowed at the change of the calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

The claimant has established sufficient grounds to justify or excuse the delay in establishing the claim for benefits. The request to backdate the claim to July 5, 2015, is allowed.

The issue of whether the claimant was on a voluntary layoff from Paladin is remanded for determination.

**DECISION:**

The representative's July 22, 2015, decision (reference 01) is reversed. The claimant's request to backdate the claim to July 5, 2015, is allowed. The issue of whether the claimant was on a voluntary layoff from Paladin is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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