

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RANDY W ANDERSON
Claimant

APPEAL 17A-UI-06068-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/30/17
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:

Claimant filed a timely appeal from the June 5, 2017, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to April 30, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on June 29, 2017. Claimant participated.

ISSUE:

May the claim be backdated prior to April 30, 2017?

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 April 30, 2017, and desires to backdate the claim to April 23, 2017. Claimant was temporarily laid off during the one week ending April 29, 2017. Claimant attempted to file his initial claim on April 21, 2017, and thought he had been successful in doing so. The claim was not successfully filed for unknown reasons. On April 29, 2017, claimant attempted to file his weekly continued claim but was unable to do so as the initial claim had not been successfully filed. Claimant contacted the agency on May 3, 2017, and spoke with Elizabeth. Elizabeth filed the claim for claimant and informed him that he should receive benefits for the week ending April 29, 2017, shortly thereafter. He did not. Claimant called the agency again on May 24, 2017, and spoke with Shawnee. Shawnee informed claimant no request to backdate the claim had been made. Shawnee informed claimant she would submit the request to backdate the claim and he would receive a decision shortly. He did not. At the beginning of June 2017, claimant contacted the agency again and a decision was issued denying his request to backdate the claim. Claimant did not earn any wages, vacation, or holiday pay during the one week ending April 29, 2017.

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.

In this case, claimant did not timely file an initial claim due to technical difficulties he was initially unaware of. This is considered a good cause reason for the delay in filing the claim.

DECISION:

The June 5, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to April 23, 2017, is granted, as are retroactive benefits for the same time period.

Christine A. Louis
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Decision Dated and Mailed

cal/scn