

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MANDY HORN
Claimant

APPEAL NO: 12A-UI-03715-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01-15-12
Claimant: Appellant (2)

871 IAC24.2(1)(g) – Filing Weekly Claims (Retroactive Benefits)
871 IAC 24.2(1) A&H (1)&(2) – Backdating Claim

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated March 28, 2012, (reference 02) that denied her request for retroactive benefits for the seven weeks between January 22, 2012 and March 3, 2012. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on May 1, 2012. The claimant participated in the hearing with Attorney Patrick Phipps. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant establish sufficient grounds to allow her request for backdating her claim and for retroactive benefits?

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits effective January 15, 2012. Her last day worked was December 30, 2011. She attempted to file her claim effective January 1, 2012, but believes she accidentally hit the number five after the one, resulting in her original claim date being set as January 15, 2012.

With regard to the claimant's request for retroactive benefits, the claimant read the claimant booklet with regard to filing her weekly claim and began filing a weekly claim on her computer the week ending January 7, 2012. She believed she was doing it correctly because she repeatedly received a message stating everything with her claim was current and it would not let her proceed any further. On March 7, 2012, the fact-finding interview on the claimant's claim was held and she received her first unemployment check the week ending March 10, 2012, which only covered one week so she realized there was a problem at that point. She called the Des Moines office and was told there was an error and she would have to file an appeal for retroactive benefits. When she logged on her computer to file her weekly claim March 10, 2012,

the prompts appeared and she was able to file a weekly claim by answering the questions asked.

REASONING AND CONCLUSIONS OF LAW:

The issues are whether the claimant should be allowed to backdate her claim and whether she should receive retroactive benefits for the seven weeks ending March 3, 2012.

871 IAC 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.

Accidentally entering the incorrect date when opening a claim is considered a good cause reason for having failed to file a claim during the first week of unemployment. The claimant simply made a mistake when entering the date of the claim. Backdating to the week ending January 7, 2012, is allowed.

Agency rule 871 IAC 24.2(1)g establishes the criteria for filing weekly claims for benefits. The rule provides for retroactive benefits if good cause is shown. The claimant has established that she attempted unsuccessfully to use the call-in procedure and that she conducted an active work search during the weeks in question. The claimant filed her claim online and each week for at least seven weeks received the message from the computer that everything with her claim was current and the program would not let her continue or enter any further information. The claimant has established reasonable cause for her delay in filing her weekly claims. The claimant's request for retroactive benefits for the weeks between January 22, 2012 and March 3, 2012, is granted.

DECISION:

The representative's decision dated March 28, 2012, decision (reference 02) is reversed. The claimant's request to backdate her claim is allowed. Additionally, the claimant is entitled to retroactive benefits for the seven weeks from January 22 through March 3, 2012, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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