

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVEN R HINEBAUGH
Claimant

APPEAL 17A-UI-04991-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/04/16
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:

Claimant filed a timely appeal from the May 9, 2017, (reference 03) decision that denied his request to backdate the claim for benefits prior to May 7, 2017. After due notice was issued, a hearing was held by telephone conference call on May 30, 2017. Claimant participated along with his wife, Brenda Hinebaugh.

ISSUE:

Can the claimant's additional claim date be backdated prior to May 7, 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 September 4, 2016 and an additional date of May 7, 2017 and desires to back the additional claim date to April 30, 2017. During the week of April 23 through April 29 the employer told the claimant that they were going to lay him off due to lack of work from May 1 through May 9. During that week the claimant worked ten hour days and had no time when he was not working and his local office was open. The claimant had already planned to be on vacation in Mexico beginning on April 30. His employer allowed him to cancel his vacation time since they wanted to lay him off during that same time period. The claimant had no internet connection and had no cell phone to reopen his claim during his first week of unemployment. The claimant went to his local office on May 8 to seek their help and was told he would need to request the agency allow him to back date his additional claim for benefits.

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.

Inability to file an electronic claim due to no cell phone service or access to the internet is considered a good cause reason for the delay in filing the claim. The claimant's additional claim date is back dated to April 30, 2017. Since the claimant earned no wages during the week ending May 6, 2017, full benefits are allowed for the week.

DECISION:

The May 9, 2017, (reference 03) decision is reversed. The claimant's request to backdate the additional claim date to April 30, 2017 is granted. Claimant shall be paid full unemployment insurance benefits for the week ending May 6, 2017.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs