

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD L ADAMOVICZ
Claimant

APPEAL 17A-UI-00151-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/18/16
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 January 3, 2017, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to December 18, 2016. After due notice was issued, a hearing was scheduled to be held by telephone conference call on January 26, 2017. Claimant participated.

ISSUE:

May the claim be backdated prior to December 18, 2016?

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 December 18, 2016, and desires to backdate the claim to December 11, 2016.

On December 12, 2016, claimant was notified by his employer that he was going to be laid off from work effective immediately. Either later that day or the next day claimant got online and filed his unemployment claim. Claimant got to the very end of the online claim filing process, but instead of getting a confirmation number, his computer screen just went blank. Claimant found it unusual that he did not get a confirmation number so, the next day, he called his local Iowa Workforce Development Office in Des Moines. The individual he spoke to told claimant he could see his claim in the system and everything looked fine. That Saturday, December 17, claimant logged on to his account to file his weekly claim and to report \$192.00 in wages he received on December 12. When claimant logged in, the computer system would not let him file his claim and instructed him to call Iowa Workforce Development. Claimant again called his local office either Monday or Tuesday of the following week and explained the situation. Claimant was advised he needed to refile his claim, which he promptly did, resulting in the December 18, 2016 original claim date.

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.

Here, claimant attempted to file a claim online for the week beginning December 11, 2016. It appears there was a glitch with the computer system that did not allow the claim to be correctly filed. Claimant, recognizing it was odd he did not get a confirmation number, called his local office to check on his claim the very next day. The individual claimant spoke to advised him he could see his claim in the system and there were no issues. At this point claimant had good reason to believe his claim had been properly filed. The computer glitch that lead to a delay in claimant being able to file his claim and misinformation he received regarding his claim are considered good cause reasons for the delay in filing the claim. Backdating is allowed.

DECISION:

The January 3, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to December 11, 2016, is granted, as are retroactive benefits for the same time period.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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