

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEIGH A CARR
Claimant

APPEAL NO: 13A-UI-13244-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/10/13
Claimant: Appellant (1)

871 IAC 24.2(1)a & h(1) & (2) - Backdating

STATEMENT OF THE CASE:

Leigh A. Carr (claimant) appealed a representative's November 27, 2013 decision (reference 01) that denied the claimant's request to backdate the claim prior to November 10, 2013. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 26, 2013. The claimant participated in the hearing. 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:

Should the claimant's request to back date her claim be granted?

FINDINGS OF FACT:

The claimant had a separation from employment effective October 31, 2013. She had a new position lined up to start on November 3, 2013, but on November 1 that anticipated position fell through. She was then out of town on a previously scheduled week of vacation from November 2 through November 10. She did not have internet access while on vacation, so when she returned home she went on line and established a claim for unemployment insurance benefits effective November 10, 2013. She seeks backdating of her claim to the week beginning November 3, 2013.

REASONING AND CONCLUSIONS OF LAW:

Agency rule 871 IAC 24.2(1)h provides that claims for unemployment insurance benefits are ordinarily effective on the Sunday of the calendar week in which the individual files the initial claim. For good cause, a claim may be backdated. The reason the claimant failed to file an earlier unemployment insurance claim during the week of November 3, 2013 was because she was out of town on vacation and did not have internet access. She therefore was not able and

available for work that week and would not have been eligible to receive unemployment insurance benefits. She has failed to establish sufficient grounds to justify or excuse the delay in filing her claim, and that she was otherwise eligible for the period for which she seeks backdating. Backdating is denied.

DECISION:

The representative's November 27, 2013 decision (reference 01) is affirmed. The claimant's request to backdate her claim is denied.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs