

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TRAVIS W GIBBONS**  
Claimant

**APPEAL 17A-UI-10379-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/20/16  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the October 5, 2017, (reference 03) decision that denied his request to backdate the claim for benefits prior to October 1, 2017. After due notice was issued, a hearing was held by telephone conference call on October 26, 2017. Claimant participated.

**ISSUE:**

May the claimant's additional claim date be backdated prior to September 24, 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 November 20, 2016 and an additional claim date effective October 1, 2017, and desire to backdate the additional claim date to September 24, 2017.

The claimant was temporarily laid off for the two day period of September 25, and September 26. On September 28, his wife went online to try and file his weekly claim but was unable to access his account as the password would not work. She called Iowa Workforce for assistance and was told the claimant needed to speak to the agency to insure that he had given her permission to access his account. The claimant and his wife were unable to contact the agency again until Monday, October 2. At that time he was told he did not need his password to file a weekly claim. The claimant's password was reset, but his request to backdate his claim was denied. The claimant had been given a copy of the unemployment handbook when he filed his initial claim for benefits in November 2016. The claimant did not read or follow the handbook instructions for reopening his claim after he had a break in reporting.

The department has not failed to recognize the expiration of the claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is denied.

Iowa Code section 96.6(1) provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Effective Wednesday, July 12, 2017, for claims effective July 16, 2017:

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 files a claim for benefits.

(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:

1. The failure of the department to recognize the expiration of the claimant's previous benefit year;

2. The claimant filed an interstate claim against another state which has been determined as ineligible.

The October 2016 and June 2017, versions of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

**CLAIM EFFECTIVE DATE**

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed.

and

**REACTIVATING A CLAIM**

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

While the claimant may have presented reasons for backdating that would have previously been considered "sufficient grounds" to grant the request, effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only the two reasons cited above. Neither of those reasons applies in this case. Accordingly, the backdating request must be denied.

**DECISION:**

The October 5, 2017, (reference 03) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/rvs