

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DARREN D FOGLE
Claimant

APPEAL 17A-UI-07789-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/16/17
Claimant: Appellant (1)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Darren D. Fogle (claimant) filed a timely appeal from the July 28, 2017, reference 01, unemployment insurance decision that denied his request to backdate the claim for benefits prior to July 16, 2017. After due notice was issued, a hearing was held by telephone conference call on August 21, 2017. The claimant participated. Official notice was taken of the administrative record, specifically the July 5, 2017 correspondence from Iowa Workforce Development (IWD).

ISSUE:

May the claim be backdated prior to July 16, 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 July 10, 2016, and an additional claim date effective June 25, 2017, when he was laid off. The claimant appropriately reactivated his claim and continued filing his weekly claim for benefits. On July 5, 2017, IWD mailed a notice to the claimant notifying him that his claim year would end effective July 9, 2017 and he would need to open a new claim if he was still unemployed. The claimant did not receive the letter and attempted to file his continued weekly claim on July 15, but was unable to do so as he did not have an active claim. The claimant opened his new claim effective July 16, 2017 and desires to backdate his claim to July 9, 2017. He made his initial request to backdate his claim on July 27, 2017.

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 § 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), as amended effective July 12, 2017, 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 department did not fail to recognize the expiration of the claimant's previous benefit year as a letter was sent to him notifying him of the expiration of his claim year. Additionally, the claimant did not file an interstate claim for which he was determined to be ineligible. As a result, the request for backdating must be denied.

DECISION:

The July 28, 2017, reference 01, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to July 9, 2017, is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn