

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELODY S NELMS
Claimant

APPEAL NO: 13A-UI-13007-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/03/13
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Melody S. Nelms (claimant) appealed a representative's November 20, 2013 decision (reference 01) that denied the claimant's request to backdate her additional 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 23, 2013. The claimant participated in the hearing and presented testimony from one other witness, Dana Goodwin. 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 additional claim be granted?

FINDINGS OF FACT:

The claimant originally established a claim for unemployment insurance benefits effective March 3, 2013. The claimant's employer began a system of rotating layoffs, so the claimant reactivated her claim with an additional claim in August 2013. She made weekly continued claims by telephone for the week ending August 17, when she was laid off, and for the weeks ending August 24 and August 31, reporting wages for those weeks, as she was not laid off those weeks. She attempted to file another weekly claim by telephone on November 3 for the week ending November 2, in which she intended to again report wages as she had not been laid off. However, when she attempted to make the weekly continued claim by telephone on November 3, she got a message saying that she needed to go on-line to make a claim.

The claimant was laid off and had no wages during the week ending November 9. The claimant is not computer literate, and was not able to find someone to assist her to go on line to make a claim until November 10. At that time with that assistance she was able to reactivate her claim with an additional claim effective November 10, but the system would not allow her to make a claim for the benefit week ending November 9, 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 administrative law judge finds good cause in the good faith attempts the claimant made to keep her claim open and to obtain assistance when she was instructed to make a claim on-line. The additional claim should be backdated to November 3, 2013.

DECISION:

The representative's November 20, 2013 decision (reference 01) is reversed. The claimant's request to backdate her additional claim is allowed.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs