

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JO A DAVIS
Claimant

CUNNINGHAM INC
Employer

APPEAL 17A-UI-08004-JP-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/23/17
Claimant: Respondent (1)

Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating

STATEMENT OF THE CASE:

The employer filed an appeal from the August 4, 2017, (reference 01) unemployment insurance decision that denied claimant's request to backdate the claim for benefits prior to July 23, 2017. The parties were properly notified about the hearing. A telephone hearing was held on August 24, 2017. Claimant participated. Employer participated through human resources manager Betsy Miller. Official notice was taken of the administrative record, including claimant's benefit payment history and claimant's continued claims filing history, with no objection.

ISSUE:

May the claim be backdated prior to July 23, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of July 23, 2017 and desires to backdate the claim to July 16, 2017. Claimant desires to backdate her claim because she was on a two week temporary layoff starting the week beginning July 16, 2017 and she did not realize she did not successfully open her claim with an effective date of July 16, 2017 until around July 24, 2017. 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 request to backdate claimant's 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.

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.

Elsewhere in the June 17, 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Monday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Saturday 9:00 am through Sunday 11:30 pm
www.iowaworkforcedevelopment.gov

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 is denied.

DECISION:

The August 4, 2017, (reference 01) unemployment insurance decision is affirmed. The request to backdate claimant's claim is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs