

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHARON L DRENTH
Claimant

APPEAL 16A-UI-12430-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/03/16
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the November 16, 2016, (reference 01) decision that denied the request to backdate the claim for benefits prior to November 13, 2016. After due notice was issued, a hearing was held by telephone conference call on December 8, 2016. Claimant participated.

ISSUE:

Can the claimant's claim for unemployment insurance benefits be backdated prior to November 13, 2016?

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 January 3, 2016 and an additional date of November 13, 2016 and desires to backdate the additional claim date to November 6, 2016. The claimant worked reduced hours that week. She went to her local office on November 11, 2016 to reopen her claim but found the office closed due to the Veteran's Day Holiday. Claimant went back to her local office the next week to seek help reopening her claim. Her claim was only delayed in reopening due to the state holiday.

For the week ending November 12 the claimant worked twenty-one hours at the rate of \$16.78 per hour and earned gross wages in the amount of \$352.38.

REASONING AND CONCLUSIONS OF LAW:

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

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 reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(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:

Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;

There is scheduled filing in the following week because of a mass layoff;

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

The individual is given incorrect advice by a workforce development employee;

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

Failure on the part of the employer to comply with the provisions of the law or of these rules;

Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;

Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

The claimant's inability to get into a local office to reopen her claim because the office was closed is considered a good cause reason for having failed to file a claim during the first week of unemployment. Backdating is granted. The claimant shall be paid unemployment insurance benefits for the week ending November 12, 2016 with a consideration that her gross earnings for the week were \$352.38.

DECISION:

The November 16, 2016, (reference 01) decision is reversed. The claimant's request to backdate the claim is granted.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs