

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MATTHEW M VORWALD**  
Claimant

**APPEAL 17A-UI-12345-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/01/17  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Matthew M. Vorwald (claimant) filed a timely appeal from the November 22, 2017, reference 02, unemployment insurance decision that denied the request to backdate the claim for benefits prior to November 12, 2017. After due notice was issued, a telephone hearing was held on December 28, 2017. The claimant participated. Lee Vorwald, the claimant's wife, participated on his behalf. Official notice was taken of the administrative record, including the fact-finding documents and the claimant's database readout (DBRO).

**ISSUE:**

May the claim be backdated prior to November 12, 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 January 1, 2017, and an additional claim date effective November 12, 2017. He desires to backdate the additional claim to November 5, 2017, which is the week he was laid off. The claimant delayed filing the claim because he experienced computer issues when he tried to file during the week he was laid off. He was not able to successfully reactivate his claim for benefits until the week after he was laid off. The claimant was not between claim years and did not file his claim in another state.

**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) 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.

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 November 22, 2017, reference 02, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to November 5, 2017 is denied.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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