

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID L HAUNSPERGER**  
Claimant

**APPEAL NO: 15A-UI-02187-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/01/15**  
**Claimant: Appellant (2/R)**

871 IAC 24.2(1)h – Backdate a Claim

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's February 13, 2015 (reference 02) determination that denied his request to backdate his claim. The claimant participated at the March 24 hearing. Based on the administrative record, the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request to backdate his claim.

**ISSUE:**

Should the claimant's request to backdate his claim be granted or denied?

**FINDINGS OF FACT:**

The claimant established a claim during the week of December 29, 2013. This benefit year ended December 28, 2014.

The claimant was off work the week ending January 3, 2015. He went online on January 3 to file a weekly claim and received a message that the user name he used was already in use. As a result, the claimant could not log on and file this claim.

The claimant drives truck and the Workforce office is not open when he is off work. The claimant tried the following week to file this weekly claim online again but again received the same message. The claimant was unable to personally go to a Workforce office until the week of February 1, 2015. A new claim was established as of February 1, 2015. The claimant requested his claim be backdated to December 28, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

When filing for benefits, the effective date is Sunday of the current calendar week in which the claim is filed. A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect advice from a workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. 871 IAC 24.2(h). The evidence establishes the claimant attempted to

file a claim for the week ending January 3, 2015, on January 3. If the computer system had allowed the claimant to establish a new benefit year, his claim would have made effective as of December 28, 2014. The claimant established sufficient grounds to backdate his claim to December 28, 2014.

**DECISION:**

The representative's February 13, 2015 (reference 02) determination is reversed. The claimant's request to backdate his claim is granted.

Since the effective date of his claim is December 28, 2014, instead of February 1, 2015, this matter is **remanded** to the Benefits Bureau to determine if the claimant's weekly benefit is different since he has a new base period.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/can