

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LAKESHA M WHEELER**  
Claimant

**APPEAL 17A-UI-09052-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/06/17  
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:**

Lakesha M. Wheeler (claimant) filed a timely appeal from the August 28, 2017, reference 04, unemployment insurance decision that denied her request to backdate the claim for benefits prior to August 6, 2017. After due notice was issued, a hearing was held by telephone conference call on September 22, 2017. The claimant participated. The claimant registered a witness for the hearing believing one of the issues to be discussed was her separation. After giving her testimony, she decided the witness would not have any additional information relevant to her request to backdate her claim.

**ISSUE:**

May the claim be backdated prior to August 6, 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 August 6, 2017, and desires to backdate the claim to July 16, 2017. The claimant delayed filing the claim because her last day worked was July 18, 2017. However, she was told that she needed to speak with the General Manager to determine if she still had a job. The claimant did not receive information on her employment status until the week of August 6, 2017 when she filed her claim for benefits.

The claimant had a previous claim year that ended on November 13, 2016. She did not file her current claim for benefits 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.

The claimant was not filing for and receiving benefits at the time of her claim year, so the department did not fail to recognize the expiration of the prior claim year. The claimant did not file her claim in another state. The claimant's reason for delaying to file her claim does not fall under either of the allowable backdating scenarios. Backdating must be denied.

**DECISION:**

The August 28, 2017, reference 04, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to July 16, 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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