

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JARED M OLSON
Claimant

APPEAL NO: 14A-UI-00900-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/29/13
Claimant: Appellant (2)**

871 IAC 24.2(1)h – Backdate a Claim

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 15, 2014 determination (reference 02) that denied his request to backdate his claim. Initially, a hearing was scheduled on February 14, 2014. A decision was issued on February 14, but vacated on February 25, 2014. This matter was reopened and the claimant participated at a March 12 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request to backdate his claim to December 22, 2013.

ISSUE:

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

FINDINGS OF FACT:

The claimant learned late December 20, 2013 that he would on a temporary layoff the next two weeks. The claimant went on-line early on December 28 to establish a claim for benefits. He received a message that the system was down for maintenance. The claimant tried again later on December 28 to establish a claim for benefits. He received the same message.

The next week the claimant went to the Mason City Workforce office and established a claim for benefits. He requested that his claim be backdated to the week of December 22, 2013. Instead, his claim was made effective as of December 29, 2013.

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). Since the claimant attempted to establish a claim during the week of December 22, but could not because the system was down for maintenance, he established sufficient grounds to backdate his claim to December 22, 2013.

DECISION:

The representative's January 15, 2014 determination (reference 02) is reversed. The claimant's request to backdate his claim to December 22, 2013, is granted. The effective date of the claimant's claim is December 22, not December 29, 2013.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css