

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA B PAYTON
Claimant

APPEAL NO: 07A-UI-00453-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/24/06 R: 01
Claimant: Appellant (1)**

871 IAC 24.2(1)(h) - Backdating

STATEMENT OF THE CASE:

Maria B. Payton (claimant) appealed a representative's January 4, 2007 decision (reference 01) that denied her request to backdate her claim. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on January 30, 2007. The claimant participated in the hearing. Lysander Canlas interpreted the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request to backdate her claim to December 17 be granted?

FINDINGS OF FACT:

On December 15 or 16, the claimant was at work when another employee accidentally ran over her foot. The claimant's foot was injured and the employer let her go home early. On Monday, December 18, the claimant went to work, but her employer would not let her work. The employer indicated there was no work for her to do.

The claimant lives in Anamosa and there is no Workforce office in Anamosa. The closest office is in Cedar Rapids. While the claimant has a car and a license, she is not comfortable driving outside of Anamosa and does not. The claimant had to wait to file her unemployment insurance until she could find someone to drive her to Cedar Rapids.

The week of December 24, a friend drove the claimant to the Cedar Rapids Workforce Office. The claimant established a claim for unemployment insurance benefits on December 26, 2006. The claimant requested that her claim be backdated to December 17, 2006.

REASONING AND CONCLUSIONS OF LAW:

A claim for benefits is effective as of Sunday in the current calendar week in which a person files or establishes a claim for benefits. Claims can be backdated prior to the week in which the individual files if there are sufficient grounds to justify or excuse the delay in filing a claim.

Sufficient grounds includes receiving incorrect information from a Workforce representative or if an employer intimidated a person to prevent the prompt filing of a claim. 871 IAC 24.2(1)(h).

The claimant did not establish sufficient ground to backdate her claim. Under the facts of this case, the claimant's request to backdate her claim to December 17, 2006, is denied.

DECISION:

The representative's January 4, 2007 decision (reference 01) is affirmed. The claimant's request to backdate her claim to December 17, 2006, is denied. The effective date of the claimant's claim is December 24, 2006.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw