

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JEDEDIAH E JEWELL**  
Claimant

**APPEAL 17A-UI-06516-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 06/19/16  
Claimant: Appellant (2)**

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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:**

Claimant filed a timely appeal from the June 22, 2017, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to June 11, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on July 17, 2017. Claimant participated with and was represented by Foley Company superintendent Bob Hamman.

**ISSUE:**

May the claim be backdated prior to June 11, 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 June 19, 2016, and an additional claim date effective June 11, 2017, and desires to backdate the claim to May 14, 2017. Hamman offered claimant a layoff for the three weeks between May 15 and June 2, 2017, because the job was coming to a close and he knew claimant's father was seriously ill. Claimant accepted and delayed filing the claim because of many urgent family obligations regarding his father. Claimant maintained contact with Hamman and the union hall, and was available to return to work if needed. Claimant returned to work June 6 through 9, and was given another layoff because the job was ending. Claimant was laid off from June 12 through July 7, 2017. His father died on June 16, 2017. The employer obtained more work so claimant was recalled to work and returned on July 10, 2017, with three or four other employees. Others had been laid off during the same weeks as claimant.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is granted.

Iowa Code section 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), (2) and (3) provides:

### **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 reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(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:

Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;

There is scheduled filing in the following week because of a mass layoff;

The failure of the department to recognize the expiration of the claimant's previous benefit year;

The individual is given incorrect advice by a workforce development employee;

The claimant filed an interstate claim against another state which has been determined as ineligible;

Failure on the part of the employer to comply with the provisions of the law or of these rules;

Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;

Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating shall not be allowed at the change of a calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be

postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

**CLAIM EFFECTIVE DATE**

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed.

and

**REACTIVATING A CLAIM**

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

**Filing Weekly Claims**

**How to File**

After you file your initial claim, file weekly claims online at [iowaworkforcedevelopment.gov](http://iowaworkforcedevelopment.gov) for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- are currently unemployed or working reduced hours
- are able to work and available for work
- have not refused any job offers or referrals to a job
- are actively looking for work (unless waived)
- are reporting any pay or pension payment

**When to File**

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay benefits.

**IMPORTANT:** You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

Claimant has presented sufficient grounds to backdate the claim to May 14, 2017, because of urgent obligations related to his father's final illness during the layoff period. Since he was a union member and hired through the union hall, and he maintained contact with the union and the employer, he was not otherwise required to establish availability for work.

**DECISION:**

The June 22, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to May 14, 2017, is granted, as are retroactive benefits for the same time period.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/rvs