

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JORGE D RODRIQUEZ  
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WEST LIBERTY IA 52776

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-00485-CT  
OC: 01/04/04 R: 03  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.2(1)a,h(1)(2) – Backdating Claims

STATEMENT OF THE CASE:

Jorge Rodriquez filed an appeal from a representative's decision dated January 15, 2004, reference 02, which denied his request to backdate his claim. After due notice was issued, a hearing was held by telephone on February 19, 2004. Mr. Rodriquez participated personally. Rose Paramo participated as the interpreter.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Rodriquez was on layoff from his employment with Lear Corporation for three days during the week ending January 3, 2004. He received vacation pay

for two days that week. He believed he would be able to file his claim by calling the "800" number at the end of the week. Therefore, he did not go to his local office or otherwise file a claim during the week ending January 3. When he attempted to file by telephone, he was not able to do so. Therefore, he went to his local office the following Monday, January 5, to file his claim. Mr. Rodriguez returned to work on January 5, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Rodriguez has presented sufficient justification to warrant backdating his claim. He had a good-faith belief that he would be able to file a claim by calling in at the end of the week in which he was on layoff. He reported to his local office on Monday of the following week when he found out he could not file by telephone. For the above reasons, the administrative law judge concludes that the claim should be backdated to December 28, 2003.

#### DECISION:

The representative's decision dated January 15, 2004, reference 02, is hereby reversed. Mr. Rodriguez' request to backdate his claim to December 28, 2003 is allowed.

cfc/b