

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSIE L MICHELS

Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 15A-UI-08965-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/21/14

Claimant: Appellant (2)

871 IAC 24.2(1)(a) & (h)(1) & (2) – Backdated Claim

STATEMENT OF THE CASE:

Jessie Michels filed a timely appeal from the August 3, 2015, reference 01, decision that denied his request to backdate his additional claim for benefits to a date prior to July 26, 2015. After due notice was issued, a hearing was held on August 31, 2015. Mr. Michels participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative file records: DBRO, KCCO, WAGEA and the record of the claimant's contact with the Agency on July 30, 2015.

ISSUE:

Whether there is good cause to backdate the additional claim for benefits to a date prior to July 26, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jessie Michels has been employed full time with John Deere for about a decade. The employer has periodic temporary layoffs when work orders slow. The employer had historically facilitated claims for unemployment insurance benefits on behalf of Mr. Michels and other employees. In early July 2015, Mr. Michels learned that he would be on temporary layoff during the week of July 19-25, 2015 due to decreased work orders. During the week of July 12-18, 2015, Mr. Michels, with the assistance of his wife, accessed the Workforce Development website and attempted to establish an additional claim for benefits. For whatever reason, Mr. Michels was not successful in establishing an additional claim at that time. Mr. Michels did not know at the time that he had been unsuccessful in establishing an additional claim. On Saturday, July 25, 2015, Mr. Michels attempted to make a weekly claim for benefits for the week that ended July 25, 2015. The system did not allow Mr. Michels to make a weekly claim at that time because the system did not acknowledge and the additional claim that Mr. Michels thought he had established earlier. On Monday, July 27, 2015, Mr. Michels contacted a Workforce Development representative via the toll-free number and was assured that the claim for the week ending July 25, 2015 would be "pushed through." Mr. Michels contacted the Davenport Workforce Development Center on or about July 30, 2015 and received different information at that time indicating that no additional claim had been established. Mr. Michels requested at that

time that the additional claim be backdated to July 19, 2015 and provided weekly claim information for the week ending July 25, 2015.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.2(1)h(1), (2) and (3) provide:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) § 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 the 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 evidence in the record establishes that Mr. Michels made a timely and good faith effort to establish an additional claim for benefits that would have been effective July 12, 2015. However, Mr. Michels was working during the week of July 12-18, 2015, and there would be no need for him to have an additional claim for benefits effective that week. The weight of the evidence indicates that Mr. Michels made a good faith effort to claim benefits for the week that ended July 25, 2015 by going online on July 25, 2015 to provide his weekly claim information for that week, but that he could not provide the weekly claim information because the system did not acknowledge the additional claim that he thought he had established earlier. Mr. Michels continued to demonstrate a good faith effort to claim benefits for the week that ended July 25, 2015, by contacting the Agency on Monday, July 27 and again on Thursday, July 30, 2015. The weight of the evidence establishes good cause to backdate the additional claim for benefits to July 19, 2015, and to acknowledge and allow a claim for benefits for the week ending July 25, 2015, provided Mr. Michels meets all other eligibility requirements.

DECISION:

The August 3, 2015, reference 01, decision is reversed. Good cause exists to backdate the additional claim for benefits to July 19, 2015 and to acknowledge and allow benefits for the week that ended July 25, 2015, provided the claimant meets all other eligibility requirements.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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