

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NATHAN W SCHUMACHER
Claimant

APPEAL 15A-UI-02908-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/08/15
Claimant: Appellant (2)**

Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating of Claim

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 24, 2015 (reference 02) decision that denied the request to backdate the claim for benefits prior to February 08, 2015. After due notice was issued, a hearing was held by telephone conference call on March 20, 2015. The claimant responded to the hearing notice instructions but no hearing was held as there was sufficient evidence in the appeal letter and accompanying documents to resolve the matter without testimony.

ISSUE:

Should the claimant's request to backdate the claim prior to February 08, 2015 be granted?

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 February 8, 2015 and desires to backdate the claim to December 21, 2014. The claimant made several attempts to contact Workforce Development about his claim. After several attempts to discuss his claim and obtain information so he was not confused, the claimant was told he had to refile his claim due to expiration. The claimant did not receive any mail notification about the expiration of his first claim. When the claimant was able to reach a representative, he was told his claim could be backdated and he needed to refile online. The claimant followed the representative's instructions. The claimant's delay in filing a second claim was due to incorrect guidance after repeated attempts to obtain clarity on his responsibilities to continue receiving benefits.

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 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) 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 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.

Incorrect guidance or information from the IWD online claim system is considered a good cause reason for the delay in filing the claim. The claimant's request to backdate his claim to December 21, 2014 is granted.

DECISION:

The February 24, 2015 (reference 02) decision is reversed. The claimant's request to backdate the claim to December 21, 2014 is granted.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

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