

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARILYN J SIMMONS
Claimant

APPEAL NO: 13A-UI-00540-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/23/12
Claimant: Appellant (2R)

871 IAC 24.2(1)h - Backdate

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 11, 2013 determination (reference 01) that denied her request to backdate her claim prior to December 23, 2012. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes claimant's request to backdate her claim is granted.

ISSUE:

Can the claimant's claim be backdated to December 16, 2012?

FINDINGS OF FACT:

The claimant did not work December 17 through 20, 2012. She made arrangements for someone to drive her to her local Workforce office on December 21 so she could file a claim for benefits. The claimant does not have Internet at her home. Instead of going to the local Workforce office on December 21, the claimant went to work. The claimant's employer called her to work on December 21. The claimant worked 8.5 hours on December 21.

The claimant went to her local Workforce office on December 26. She used a computer at her local office and asked a representative what she needed to do to make her claim effective as of December 16. The representative told her to put in the comment section to backdate her claim to December 16. The representative also advised the claimant to check on the status of her claim the next Tuesday. The next Tuesday was January 1. The claimant contacted her local Workforce office on January 2, Wednesday, and learned no action had been taken on her claim yet. In previous years, a local representative just backdated her claim and the claimant did not have to make a request.

REASONING AND CONCLUSIONS OF LAW:

When filing for benefits, the effective date is Sunday of the current calendar week in which the claim is filed. A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect

advice from a Workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. 871 IAC 24.2(h).

Since the claimant could not file a claim at her home, she made arrangement to go to her local Workforce office on December 21 but was called to work that day and she asked a representative how to make her claim effective as of December 16, the claimant established good cause to backdate her claim to December 16, 2012.

DECISION:

The representative's January 11, 2013 determination (reference 01) is reversed. The claimant's request to backdate her claim to December 16, 2012, is granted. This matter is **Remanded** to the Claims Section to make the effective date of the claim as of December 16, 2012, and determine if the claimant is eligible to receive benefits for the week ending December 22.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css