

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAUL A REED
Claimant

APPEAL NO. 15A-UI-07542-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/02/14
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Paul Reed filed a timely appeal from the June 29, 2015, reference 03, decision that denied his request to backdate his additional claim for benefits to a date prior to June 21, 2015. After due notice was issued, a hearing was held on August 10, 2015. Mr. Reed participated. Exhibit A was received into evidence.

ISSUE:

Whether there is good cause to backdate the additional claim to a date prior to June 21, 2015.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Paul Reed established an original claim for benefits that was effective November 2, 2014. At that time he established the claim, Mr. Reed would have been required to acknowledge his obligation to familiarize himself with the Claimant Handbook. In March 2015, Mr. Reed commenced employment with River Valley Cooperative, where he worked as a driver. In connection with starting the new employment, Mr. Reed discontinued his claim for unemployment insurance benefits. Mr. Reed's usual work days were Monday through Saturday. The employer is a farm cooperative. Mr. Reed last performed work for River Valley Cooperative on Friday, June 5, 2015. During the week of June 7-13, 2015, the employer did not have work for Mr. Reed due to rainy weather. Mr. Reed was in daily contact with the employer, who advised him to take the day off and see what happened the next day. When Mr. Reed made contact with the employer on Monday, June 15, 2015, the employer told Mr. Reed that he was laid off and that the employer deemed the layoff to be effective June 8, 2015.

On Friday, June 26, 2015, Mr. Reed contacted Workforce Development. At that point, Mr. Reed established the additional claim for benefits that was deemed effective Sunday, June 21, 2015. At that time, Mr. Reed requested to have his claim for benefits backdated. At some point in the

days prior to that contact, Mr. Reed had accessed the Agency's website and had attempted to make a *weekly* claim for benefits without first establishing an *additional* claim for benefits and received a message that he first needed to establish a claim before he could make a weekly claim.

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) 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.

At the time Mr. Reed established his original claim for benefits in November 2014, he had to acknowledge his obligation to familiarize himself with the Claimant Handbook. Had he done that, he would have known that if he went four weeks without making a weekly claim, it would first be necessary to re-establish the claim before he could resume making weekly claims on the claim. Mr. Reed had last worked for the employer on Friday, June 5, 2015. Had Mr. Reed familiarized himself with the Claimant Handbook, he would have known that he should contact Workforce Development to apply for benefits immediately upon separating from the employment. The weight of the evidence establishes that the delay in establishing the additional claim for benefits was attributable to Mr. Reed. Workforce Development correctly set June 21, 2015, the Sunday that started the week during which Mr. Reed took appropriate steps to establish the additional claim, as the effective date of the additional claim.

DECISION:

The June 29, 2015, reference 03, decision is affirmed. Good cause does not exist to backdate the additional claim for benefits to a date prior to June 21, 2015. The claimant's request to backdate the claim is denied.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs