

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CONNIE L GILSON
Claimant

APPEAL NO. 14A-UI-01220-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/29/13
Claimant: Appellant (2)**

871 IAC 24.2(1)h - Backdating

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 28, 2014, reference 01, that denied her request to backdate her claim. A telephone hearing was held on February 24, 2014. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing.

ISSUE:

When should the claimant's claim for unemployment insurance benefits be made effective?

FINDINGS OF FACT:

The claimant worked for Ryder Logistics until December 20, 2013, when she was put on a short-term layoff. In the past, the employer had taken care of filing the initial claim on behalf of laid off workers and all the worker had to do was file a weekly claim. The claimant understood that the employer was going to follow the same process this time. She discovered that the system would not accept the claim when she tried to call in her weekly claim for the week ending December 28, 2013. She eventually found out from a workforce advisor that she needed to file a new claim to activate her claim. She did so and it was made effective December 29. The claimant only intended to file for the week ending December 28, 2013. She was able to and available for work during that week and had holiday pay of \$142 for Christmas.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is on what date the claim for benefits should be made effective.

The unemployment insurance rules state when claim are made effective in 871 IAC 24.2(1)h(1) and (2).

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.

The reason the claimant failed to file an earlier unemployment insurance claim was because she reasonably believed her employer was going to initiate claims for the laid off workers. The claimant has established sufficient grounds to justify or excuse the delay in filing her claim. The claim for unemployment insurance benefits is effective December 22, 2013. She should receive benefits reduced by the \$142 in holiday pay.

DECISION:

The unemployment insurance decision dated January 28, 2014, reference 01, is reversed. The claimant's request to backdate the claim is granted.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs