

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBIN R PETERSON
Claimant

APPEAL NO. 10A-UI-13828-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/19/10
Claimant: Appellant (1)**

871 IAC 24.2(1)h - Backdating

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 1, 2010, reference 01, that denied the claimant's request to backdate her claim. A telephone hearing was held on November 17, 2010. 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 Iowa Realty from July 22, 1992, until September 14, 2010. After September 14, she was on a three-day furlough September 15, 16, and 17. She filed a new claim for unemployment insurance benefits during the week of September 19, 2010. The claimant did not file the claim during the week of September 12, 2010, because the employer pay period ends on Sunday and she thought she still had time to file the claim. The claimant requested that the claim be backdated to be effective September 12.

REASONING AND CONCLUSIONS OF LAW:

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

871 IAC 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;

The claimant has not shown she received incorrect advice by an agency employee, her failure to file an earlier claim was due to the employer's failure to comply with the law, or the employer prevented the claimant from promptly filing a claim. The claimant has failed to establish sufficient grounds to justify or excuse the delay in filing her claim. The claim for unemployment insurance benefits is effective September 19, 2010.

DECISION:

The unemployment insurance decision dated October 1, 2010, reference 01, is affirmed. The claimant's request to backdate the claim is denied.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs