

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MURYA K SCHERER**  
Claimant

**APPEAL NO: 100-UI-00322-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/16/09**  
**Claimant: Appellant (1)**

871 IAC 24.2(1)(h) - Backdating

**STATEMENT OF THE CASE:**

The claimant appealed a representative's September 15, 2009 decision (reference 01) that denied her request to backdate her claim prior to August 16, 2009. A hearing was initially held on October 21, 2009. The claimant participated in the hearing. Based on the evidence presented during the hearing, on October 23, 2009, an administrative law judge issued a decision, 09A-UI-14356-MT, that denied the claimant's request to backdate her claim.

The claimant appealed this decision to the Employment Appeal Board. The Employment Appeal Board remanded this case to the Appeals Section for a new hearing because the Employment Appeal Board did not receive the file for this case. The file consisted of the hearing notice and the claimant's initial appeal.

Another hearing was then held on February 20, 2010. The claimant again participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the claimant's request to backdate her claim be granted?

**FINDINGS OF FACT:**

The claimant's last day of work for a previous employer was May 31, 2008. The claimant did not file a claim for unemployment insurance benefits immediately. Based on information she learned from family and friends, the claimant assumed she had 18 months to file a claim for benefits.

The claimant did not establish a claim for benefits until the week of August 16, 2009. As of August 16, 2009, the claimant did not have any wage credits in her base period. She then requested that her claim be backdated to at least June 28, 2009. To take advantage of all her wage credits, the claimant would like her claim to be backdated to June 1, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

A claim for benefits is effective as of Sunday in the current calendar week in which a person files or establishes a claim for benefits. Claims can be backdated prior to the week in which the individual files if there are sufficient grounds to justify or excuse the delay in filing a claim. Sufficient grounds includes receiving incorrect information from a Workforce representative or if an employer intimidated a person to prevent the prompt filing of a claim. 871 IAC 24.2(1)(h).

Even though the claimant did not understand the law and received incorrect information from friends and relatives, she did not establish good cause to backdate her claim over a year or even 90 days prior to August 16, 2009. The claimant's request to backdate her claim is denied.

**DECISION:**

The representative's September 15, 2009 decision (reference 01) is affirmed. The claimant's request to backdate her claim prior to August 16, 2009, is denied.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css