

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAD M KIEFER
Claimant

APPEAL NO: 13A-UI-13083-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/15/13
Claimant: Appellant (2)

871 IAC 24.2(1)a & h(1) & (2) - Backdating

STATEMENT OF THE CASE:

Chad M. Kiefer (claimant) appealed a representative's November 13, 2013 decision (reference 01) that denied the claimant's request to backdate his additional claim prior to November 10, 2013. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 23, 2013. The claimant 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 back date his additional claim be granted?

FINDINGS OF FACT:

The claimant had a layoff from employment effective on or about September 13, 2013. He established a claim for unemployment insurance benefits effective September 15, 2013. He was then recalled for work as of September 18, so did not file any weekly claims at that time. On November 1 he was again laid off from his work. He believed he still had an open claim for benefits, and so on Saturday, November 9, he attempted to file a weekly continued claim for that week. The instructions told him he needed to reactivate his claim with an additional claim, but did not advise him of how he could do that on-line, so he went into his local Agency office in Davenport on Tuesday, November 12 (after the Veterans Day holiday), where he was assisted in making his additional claim. He worked no hours and had no wages during the week ending November 9, 2013.

REASONING AND CONCLUSIONS OF LAW:

Agency rule 871 IAC 24.2(1)h provides that claims for unemployment insurance benefits are ordinarily effective on the Sunday of the calendar week in which the individual files the initial claim. For good cause, a claim may be backdated. The administrative law judge finds good cause in that he made an attempt to reactivate his claim during the week ending November 9, but was unable to do so on-line. The additional claim should be backdated to November 3, 2013.

DECISION:

The representative's November 13, 2013 decision (reference 01) is reversed. The claimant's request to backdate his additional claim is granted.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs