

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAYLON M LANPHIER**  
Claimant

**APPEAL NO. 14A-UI-01033-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/12/14**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Taylon Lanphier filed a timely appeal from the January 23, 2014, reference 02, decision that denied his request to backdate his most recent original claim to a date prior to January 12, 2014. After due notice was issued, a hearing was held on February 19, 2014. Mr. Lanphier participated. Exhibit A was received into evidence. The administrative law judge took official notice of the agency's administrative record (DBRO, DBIN, and KCCO).

**ISSUE:**

Whether there is good cause to backdate Mr. Lanphier's most recent original claim for benefits to a date prior to January 12, 2014.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Taylon Lanphier is 22-year-old man. Mr. Lanphier established an original claim for benefits that was effective December 23, 2012. In connection with that claim, Mr. Lanphier received benefits during the period of April 21, 2013 through July 13, 2013. The claim year that started for Mr. Lanphier on December 23, 2012 ended on December 21, 2013. On Friday, December 6, 2013, Mr. Lanphier was laid off from his employment with TK Concrete, Inc. On Thursday, December 12, 2013, Mr. Lanphier accessed the Workforce Development website and attempted, unsuccessfully, to make a weekly claim for benefits without first going through the steps of establishing a new, additional claim. Because Mr. Lanphier had not yet received benefits since July 2013, the Internet based system would not allow Mr. Lanphier to make a weekly claim for benefits. From that point, Mr. Lanphier delegated responsibility for his unemployment insurance claim to his mother. On December 12, Mr. Lanphier's mother contacted Workforce Development by telephone. Mr. Lanphier did not participate in the call. On December 20, 2013, Mr. Lanphier, or his mother, made an application for additional benefits in connection with the December 23, 2012 original claim. Workforce Development deemed the additional claim for benefits to be effective December 15, 2013, the Sunday of the week during which Mr. Lanphier made the application for benefits. Mr. Lanphier's benefit year ended that same week. Mr. Lanphier took no additional action to claim benefits until January 22, 2014,

when he spoke with a Workforce Advisor, was directed by the Advisor to produce a paystub and complied with that directive. In the meantime, Mr. Lanphier had continued to delegate responsibility for his unemployment insurance matters to his mother. Mr. Lanphier's mother had established a new original claim for Mr. Lanphier during the week of January 12-18, 2014 and Workforce Development deemed that claim effective January 12, 2014. Workforce Development records indicate that since the December 6, 2013 lay-off, Mr. Lanphier has only followed the appropriate steps to request benefits during one benefit week, the week that ended January 18, 2014.

## **REASONING AND CONCLUSIONS OF LAW:**

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;

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.

The question is whether there is good cause to backdate the new original claim, the start of the new claim year, to a date as early as December 22, 2013. The administrative law judge concludes that Mr. Lanphier has presented insufficient evidence to backdate the claim to a date prior to January 12, 2014. Mr. Lanphier lacked personal knowledge concerning a number of important matters related to his unemployment insurance claim. The reason for this is that Mr. Lanphier elected to delegate responsibility for such matters to his mother. The Workforce Development Internet-based claims reporting system is designed to be user-friendly. It provides appropriate instructions and guidance to claimants. Mr. Lanphier initially encountered a problem on December 12, 2013 because he tried to make a weekly claim for benefits without first going through the appropriate steps to establish an underlying additional claim for benefits. Rather than following on-line instructions to resolve the issue, or contacting Workforce Development directly to resolve the issue, Mr. Lanphier delegated that responsibility to his mother. Mr. Lanphier was not personally involved in steps to claim benefits until January 22, 2013, when spoke with a Workforce Advisor. Mr. Lanphier did not have his mother testify at the hearing about what steps she may have taken on Mr. Lanphier's behalf or when she took them. The evidence fails to establish good cause to backdate the effective date of the new original claim to a date prior to January 12, 2014. The claimant's request to backdate the claim is denied.

**DECISION:**

The Claims Deputy's January 23, 2014, reference 02, decision is affirmed. The evidence fails to establish good cause to backdate the effective date of the new original claim to a date prior to January 12, 2014. The claimant's request to backdate the claim is denied.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs