

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ZEBULON P DAWSON
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 16A-UI-09996-NM-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/21/16
Claimant: Appellant (2)

Iowa Admin. Code r. 871-24.2(1)a & h – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the September 6, 2016, (reference 05) unemployment insurance decision that denied the request to backdate the claim for benefits prior to July 3, 2016. After due notice was issued, a hearing was scheduled to be held by telephone conference call on September 29, 2016. Claimant participated. Claimant's Exhibit 1 was received into evidence.

ISSUE:

May the claim be backdated prior to July 3, 2016?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of February 21, 2016, and an additional claim date effective July 3, 2016, and desires to backdate the claim to June 26, 2016. Claimant's delay in filing the claim was because of issues with the online claim process.

On July 1, 2016, claimant attempted to reopen his claim using the online claim process. Claimant kept getting error messages indicating he needed to reset his username or password. Claimant attempted to do this several times without success. (Exhibit 1). Claimant called his local Iowa Workforce Development office for assistance and was directed to several voicemail systems. Claimant left messages, but did not hear back by the end of the day on July 1. Claimant continued to try to log into the system without success throughout the weekend. Claimant again tried to contact his local office via telephone on July 5 and 6, without success. On either July 7 or 8 claimant went in person to his local office for assistance. After two attempts an employee at his local office was able to successfully reset his username and password and he was able to go in and reopen his claim. During this time claimant was participating in educational courses related to his apprenticeship program and did not earn any wages.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is granted.

Iowa Admin. Code r. 871-24.2(1)h(1) and (2) 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.

The current *Unemployment Insurance Benefits Handbook*, provides in pertinent part on pages 13 and 14:

CLAIM EFFECTIVE DATE

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed.

...

REACTIVATING A CLAIM

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week they want to start collecting benefits again.

The current *Unemployment Insurance Benefits Handbook*, provides in pertinent part on pages 19 and 20:

CLAIMING BENEFITS EACH WEEK

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- are currently unemployed or working reduced hours
- are able to work and available for work
- have not refused any job offers or referrals to a job
- are actively looking for work (unless waived)
- are reporting any pay or pension payment received

Eligibility can be certified online or by phone.

CERTIFYING ONLINE

The weekly continued claim is available on the IWD website at www.iowaworkforcedevelopment.gov. Individuals must follow the instructions to log in. Once logged in, eligibility questions are presented.

CERTIFYING BY TELEPHONE

The weekly continued claim is available by calling the Interactive Voice Response unit (IVR) at 800-850-5627. Pre-recorded messages will present the eligibility questions.

Individuals should listen carefully to each question and the instructions since the menu responses may be different. Some questions will instruct individuals to enter the pound key/hash tag (#) at the end of the answer.

IMPORTANT: Both systems (whether filing online or by phone) will confirm that the claim has been processed successfully. If disconnected before seeing or hearing this message, the process must be repeated until the claim has been successfully submitted.

The current week is the week that just ended on Saturday.

HOURS TO SUBMIT WEEKLY CONTINUED CLAIM

Individuals may submit a weekly continued claim:
Monday through Friday, 8:00 am to 6:00 pm 9:00 am Saturday to 11:30 pm,
Sunday

Claimant attempted to file his claim on July 1, 2016, but was unable to due to a problem with the online system. Inability to file an electronic claim due to the system being inoperable is considered a good cause reason for the delay in filing the claim. Backdating is granted. Claimant shall be paid full unemployment insurance benefits for the week ending July 2, 2016.

DECISION:

The September 6, 2016, (reference 05) unemployment insurance decision is reversed. The claimant's request to backdate the claim to June 26, 2016, is granted.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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