

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBIN R ANDERSON
Claimant

APPEAL NO: 15A-UI-06750-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/08/14

Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Robin R. Anderson (claimant) appealed a representative's June 9, 2015 decision (reference 02) that denied her request to backdate her additional claim prior to May 31, 2015. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 24, 2015. 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 backdate her additional claim be granted?

FINDINGS OF FACT:

The claimant originally established a claim for unemployment insurance benefits effective June 8, 2014. Her claim became inactive, and then was reactivated with an additional claim for a week in March 2015. The claimant then again became inactive. She then had a temporary separation from employment to be over the summer effective the week beginning May 24, 2015. She went on-line on Saturday, May 30 to attempt to establish a new claim, not realizing that the June 8, 2014 claim year had not yet expired. She was able to print out a confirmation that she had established a claim. However, when she attempted to then make the weekly continued claim, she received an error message. She then went into her local Agency office on June 1 and was assisted in reactivating the claim with an additional claim effective May 31, 2015.

REASONING AND CONCLUSIONS OF LAW:

The effective date of a claim is the Sunday of the calendar week during which the claim was established or reactivated. Rule 871 IAC 24.1(1). Therefore, the action of establishing or reactivating a claim must occur by the Saturday of the week in which the claimant wishes to have the claim active. After a claim is created, then for each week for which a claimant seeks benefits she must then file a weekly continued claim no earlier than noon on the Saturday of that week, but which could also be (and is frequently) done on the next day, the Sunday of the next week. Rule 871 IAC 24.2. Therefore, a claimant who does not have a currently active

claim is required to follow a two-step process of first establishing the claim year or reactivating the claim with an additional claim on or before the Saturday of the week for which the claim is sought, and then making the subsequent weekly continued claim reporting the income and availability for that specific week.

For good cause, a claim may be backdated. The administrative law judge finds good cause in that the claimant did attempt to reactivate her claim during the week that ended May 29; while she may have not navigated the system correctly, the system appeared to confirm that she had created a claim and did not redirect her to reactivate the existing claim rather than attempt to create a new claim. The additional claim should be backdated to May 24, 2015.

DECISION:

The representative's June 9, 2015 decision (reference 02) is reversed. The claimant's request to backdate her additional claim to May 24, 2015 is allowed.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css