

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**STANLEY A COUSINS
504 N 4TH ST
GREENE IA 50636**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-08427-CT
OC: 07/24/05 R: 08
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 871IAC24.2(1)a,h(1)(2) – Backdating Claims

STATEMENT OF THE CASE:

Stanley Cousins filed an appeal from a representative's decision dated August 10, 2005, reference 02, which denied his request to backdate his claim. After due notice was issued, a hearing was held by telephone on August 31, 2005. Mr. Cousins participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Cousins was last employed by Cargill Animal Nutrition and last worked on June 20, 2005. During the first week of July, he went to the Charles City office of Workforce Development to inquire as to how to file a claim for job insurance benefits. He was given the requested information, including an application form.

There was no discussion as to when he should file his claim. Mr. Cousins delayed filing a claim because he decided to devote his efforts to finding new employment. When he had not found other work, he filed a claim for job insurance benefits effective July 24, 2005. He seeks to have his claim backdated to be effective July 3, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Cousins has presented sufficient justification to warrant backdating his claim prior to July 24, 2005. He could have filed when he was in his local office the first week of July but chose not to. He was not given any misinformation by his local office. He was not led to believe that he could receive retroactive benefits if he delayed filing his claim. In fact, the issue did not arise during his conversation with his local office. The administrative law judge appreciates that Mr. Cousins did not know claims had to be filed right away in order to protect his eligibility for benefits. However, the fact that he did not know he had to file immediately upon separation from employment is not sufficient justification for backdating the claim. Accordingly, the request is denied.

DECISION:

The representative's decision dated August 10, 2005, reference 02, is hereby affirmed. Mr. Cousins has failed to establish sufficient justification to warrant backdating his claim prior to July 24, 2005.

cfc/kjw