

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRENDON C IHLER
Claimant

APPEAL NO: 13A-UI-00788-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/30/12
Claimant: Appellant (1)

871 IAC 24.2(1)h – Backdate

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 18, 2013 determination (reference 01) that denied his request to backdate his claim. The claimant participated in the hearing. Based on the evidence, the claimant's arguments and the law, the administrative law judge must deny the claimant's request to backdate his claim.

ISSUE:

Should the claimant's request to backdate his claim be granted or denied?

FINDINGS OF FACT:

The claimant worked on December 21, and then was on a one-week layoff. The employer's accountant and co-workers told the claimant he could establish his claim the week of December 30 to receive benefits for the one week he did not work.

The claimant relied on his co-workers and the employer's accountant's information and went online on January 2, 2013, to establish a claim as of December 23. When the claimant could not file a claim for the week ending December 29, 2012, he knew something was wrong. He contacted the Workforce office and after finally talking to a representative, he understood his claim would be backdated to December 23, but it was not.

REASONING AND CONCLUSIONS OF LAW:

A benefit year is established as of Sunday in the calendar week the claim was established. A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect advice from a Workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. 871 IAC 24.2(h).

The claimant did not establish a claim during the week of December 23, because he relied on information from co-workers and the employer's accountant that he could establish a claim

during the week of December 30 and it would be backdated to December 23. Since the employer did not intimidate the claimant in an attempt to prevent him from filing a prompt claim and the claimant did not contact a Workforce representative until after December 30, 2012, the claimant did not establish sufficient grounds to backdate his claim to December 23, 2012. The effective date of his claim remains as of December 30, 2012.

Even if the claimant's backdating request could be granted, there is a question of whether he would be eligible to receive benefits for the week ending December 29, because he was traveling around the state and visiting family members this week.

DECISION:

The representative's January 18, 2013 determination (reference 01) is affirmed. The claimant did not establish sufficient grounds to backdate his claim to December 23, 2012. Therefore his request to backdate his claim is denied and the effective date of his claim remains as of December 30, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/tll