

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**GEORGIA D NICHOLS**  
Claimant

**APPEAL 17A-UI-00988-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/01/17  
Claimant: Appellant (2)**

---

Iowa Code § 96.6(1) – Filing Claims  
Iowa Admin. Code r. 871-24.2(1)h(1) & (2) – Backdating

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 20, 2017, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to January 1, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on February 17, 2017. Department Exhibit D-1 was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the claim be backdated prior to January 1, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed her unemployment insurance claim in response to a temporary laid off on December 9, 2016 for A-1 Septic Solutions. During the week of December 11 through 18, 2016, the claimant attempted to open her unemployment insurance claim. The claimant made an attempt to file her weekly continued claim during the week of December 19 through 24, 2016. When the claimant attempted to make her claim for the week of December 25 through 31, 2016, she was unaware she had to establish a new claim and so when she filed her weekly continued claim, it did not go through. The claimant did not receive a letter stating her benefit year had expired and she would need to establish a new claim, until after the cut off time to establish a new claim during the week of December 25 through 31, 2016. The claimant then contacted IWD in Mason City for assistance the next business week. The claimant seeks to backdate her claim to December 25, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant's request to backdate the claim is granted.

Iowa Code § 96.6-1 provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Iowa Code section 96.6(1) provides:

**Filing — determination — appeal.**

1. *Filing.* Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

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 Unemployment Insurance Benefits Handbook indicates a claim effective date is the Sunday of the week in which the application was filed. There is no instruction that a new, additional or reopened claim must be filed before Saturday of the week of separation or unemployment. Further, there is no indication that a new, additional or reopened claim must be filed by the close of business on Friday of the week the unemployment begins. In this case, the claimant's benefit year expired and she was unaware until after the cutoff date. Thus, the delay in filing within the next business week and because she was unable to obtain assistance by telephone during the same week are considered good cause reasons for having failed to file a claim during the first week of unemployment. Backdating is allowed. The claim is effective December 25, 2016.

**DECISION:**

The January 20, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to December 25, 2016, is granted, as are the retroactive benefits for the same time period. The claimant should report gross wages earned, if any, for that week.

---

Jennifer L. Beckman  
Administrative Law Judge

---

Decision Dated and Mailed

jlb/rvs