

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA L CUNNINGHAM
Claimant

APPEAL 18A-UI-06424-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/27/18
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Jessica L. Cunningham (claimant) filed a timely appeal from the June 8, 2018, reference 01, unemployment insurance decision that denied the request to backdate the claim for benefits prior to May 27, 2018. After due notice was issued, a telephone hearing was held on June 27, 2018. The claimant participated. The Claimant's Exhibits A and B were admitted into the record.

ISSUE:

May the claim be backdated prior to May 27, 2018?

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 May 27, 2018 and desires to backdate the claim to May 20, 2018, the first week she was temporarily laid off. On May 24, the claimant attempted to go online and open her claim for benefits. She believed she had been successful and could file a weekly continued claim for benefits on May 27. The claimant did not record her confirmation number or obtain any documentation confirming the appeal had been filed.

On May 27, the claimant attempted to file a weekly continued claim for benefits and was notified she did not have an active claim. She contacted customer service on May 29 and explained the situation. She was advised to file her claim again and call customer service with the confirmation number so the filing could be confirmed in the system. The claimant did as instructed and the system had not recorded the claimant's confirmation number. The customer service representative then took the claimant's information and assisted her in filing the claim over the telephone. The claimant also requested to backdate her claim at the same time. The claimant did not file her claim in another state and her most recent claim expired in 2013.

REASONING AND CONCLUSIONS OF LAW:

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

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 Admin. Code r. 871-24.2(1)h(1) and (2) provide, effective July 12, 2017¹:

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 files a claim for benefits.

(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:

1. The failure of the department to recognize the expiration of the claimant's previous benefit year;
2. The claimant filed an interstate claim against another state which has been determined as ineligible.

While the claimant may have presented reasons for backdating that would have previously been considered "sufficient grounds" to grant the request, effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only the two reasons cited above. Neither of those reasons applies in this case. Accordingly, the backdating request must be denied.

¹ The regulations have been amended effective June 27, 2018. The current amendment eliminates the ability to backdate a claim when the department fails to recognize the expiration of the claimant's previous benefit year. The July 2017 version of the rule is being used in this case because the claimant made her request to backdate the claim prior to the new regulations going into effect.

DECISION:

The June 8, 2018, reference 01, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to May 20, 2018, is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn