

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL P MCENIRY
Claimant

APPEAL NO. 11A-UI-11632-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/10/11
Claimant: Appellant (2)

871 IAC 24.2(1) – Backdating Claims

STATEMENT OF THE CASE:

Michael P. McEniry filed a timely appeal from an unemployment insurance decision dated August 24, 2011, reference 02, that denied his request to backdate his claim prior to July 10, 2011. After due notice was issued, a telephone hearing was held September 29, 2011 with Mr. McEniry participating.

ISSUE:

Is it appropriate to allow backdating this claim?

FINDINGS OF FACT:

Michael P. McEniry filed a claim for unemployment insurance benefits during the week of July 10, 2011. His last employment was with Wells Fargo. The employment ended May 26, 2011. Mr. McEniry utilized a company procedure to appeal his separation from employment. He delayed filing a claim for unemployment insurance for fear that it would affect the outcome of the appeal. The appeal was not successful. Mr. McEniry filed a claim for unemployment insurance benefits during the week of July 10, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Administrative Code 871 - 24.2(1) establishes a general rule that a claim for unemployment insurance benefits is effective on the Sunday of the calendar week in which the individual contacts the agency to request that the claim be established. If sufficient cause is shown, a claim may be backdated.

Mr. McEniry delayed filing his claim while he attempted to retain his employment. The administrative law judge concludes that the claimant acted reasonably in so doing and has established a sufficient reason to backdate the claim. The claim is backdated to begin May 29, 2011.

DECISION:

The unemployment insurance decision dated August 24, 2011, reference 02, is reversed. The claim is backdated to May 29, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs