

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFRY J CROUCH
Claimant

APPEAL 17A-UI-03671-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/19/17
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 29, 2017, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to March 19, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on April 21, 2017. Claimant participated. Official notice was taken of the administrative record, including claimant's benefit payment history, weekly continued claims history, and fact-finding documents, with no objection.

ISSUE:

May the claim be backdated prior to March 19, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of March 19, 2017, and wishes to backdate the claim to December 25, 2016. Claimant was on a temporary layoff from around December 24, 2016 to January 9, 2017. Claimant was also on a temporary layoff from: January 16, 2017 to January 20, 2017, February 27, 2017 to March 3, 2017, and March 17, 2017 to March 24, 2017.

Claimant attempted to open/initiate his claim for benefits sometime before January 1, 2017. Claimant did not receive a confirmation number when he attempted to open/initiate his claim. Claimant had planned on contacting Iowa Workforce Development (IWD), but he forgot to contact IWD. When claimant remembered to contact IWD, his phone was already shut off and he was also unable to drive to the local IWD office. Claimant also lost his internet access around January 1, 2017.

When claimant attempted to file his weekly continued claim for the week ending December 31, 2016, he was required to provide some information (username and password), but he did not get his initial username and password when he attempted to open his claim. Claimant was not able to sign in to file his claim for benefits for the weeks ending December 31, 2016 and January 7, 2017, because he did not have his username and password. Claimant did not try to

file a claim for benefits for the week endings January 21, 2017, and March 4, 2017, because he did not have a username and password.

In March 2017, claimant received some profit sharing from the employer and he was able to obtain insurance for his vehicle. On March 21, 2017, claimant drove to the local IWD office in Spencer. The local IWD office helped claimant set up/open his claim for benefits on March 21, 2017 with an effective date of March 19, 2017. The administrative record shows claimant received unemployment insurance benefits for the week ending March 25, 2017.

Claimant has filed for unemployment insurance benefits in the past, but it was always through the phone. Claimant was aware that he had to open/initiate his claim first and then file his weekly continued claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes 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), (2) and (3) 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.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating shall not be allowed at the change of a calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

CLAIM EFFECTIVE DATE

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed.

and

REACTIVATING A CLAIM

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- are currently unemployed or working reduced hours
- are able to work and available for work
- have not refused any job offers or referrals to a job
- are actively looking for work (unless waived)
- are reporting any pay or pension payment

When to File

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay benefits.

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

Claimant was aware that he had not opened/initiated his claim for benefits properly when he attempted to file his weekly continued claim for benefits for the week ending December 31, 2017. Even though claimant was aware he had not opened his claim properly and could not file his weekly continued claims, he did not contact IWD until March 21, 2017, over two months later. Failure to investigate availability or issues in filing for unemployment insurance benefits for over two months when not related to misinformation is not a good reason to delay filing a claim for benefits. Backdating is denied.

DECISION:

The March 29, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant's request to backdate the claim to December 25, 2016, is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/