

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK E STODDARD
Claimant

APPEAL NO. 16A-UI-06598-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/20/15
Claimant: Appellant (1)

871 IAC 24.2(1)(a) & (h)(1) & (2) – Backdated Claim

STATEMENT OF THE CASE:

Mark Stoddard filed a timely appeal from the June 7, 2016, reference 01, decision that denied his request to backdate his additional claim for benefits to a date prior to May 29, 2016. After due notice was issued, a hearing was held on June 29, 2016. Mr. Stoddard participated and presented additional testimony through Rusty Graves. Exhibit A and Department Exhibit D-4 were received into evidence.

ISSUE:

Whether there is good cause to backdate the additional claim for benefits to a date prior to May 29, 2016.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mark Stoddard is employed by The Egging Company as a full-time machinist. His work hours are 5:00 a.m. to 3:30 p.m., Monday through Thursday. The employer temporarily shut-down during the week of May 22-28, 2016 and temporarily laid off Mr. Stoddard for that week. On or about Tuesday, May 17, 2016, the employer notified Mr. Stoddard of the temporary layoff. Prior to the temporary layoff, Mr. Stoddard last performed work for the employer on Thursday, May 19, 2016. The employer did not do or say anything to hinder Mr. Stoddard from claiming unemployment insurance benefits in connection with the layoff.

In December 2015, Mr. Stoddard went to the Davenport Workforce Development Center and used a computer there to make an original claim for unemployment insurance benefits. The original claim was deemed effective December 20, 2015. At the time, Mr. Stoddard made that application for benefits, he requested that a copy of the Unemployment Insurance Benefits Handbook be mailed to him. At the time of the original claim, Mr. Stoddard acknowledged his obligation to read, know and follow the Benefits Handbook. Mr. Stoddard received a copy of the Benefits Handbook in the mail, but did not read it. The Benefits Handbook provided information concerning the need to reactivate a lapsed claim during the week for which Mr. Stoddard wished

to restart unemployment insurance benefits. In connection with the December 2015 original claim, Mr. Stoddard made a weekly claim only for the week that ended January 2, 2016 and then ceased making weekly claims. In the absence of ongoing weekly claims, the underlying claim for benefits lapsed.

In connection with the temporary layoff for the week of May 22-28, 2016, Mr. Stoddard waited until Sunday, May 29, 2016 to take any steps toward restarting unemployment insurance benefits. On that day, Mr. Stoddard made an unsuccessful attempt to make a weekly claim for benefits for the week that ended May 28, 2016, without first reactivating his lapsed claim. Mr. Stoddard returned to work no more than a couple days later.

On Thursday, June 2, 2016, Mr. Stoddard went to the Davenport Workforce Development Center and spoke with a Workforce Advisor. The Workforce Advisor explained that Mr. Stoddard first had to reactivate the lapsed claim for benefits before he could again make weekly claims. On that day, Mr. Stoddard got on the computer at Workforce Development and reactivated his claim. Workforce Development deemed the additional claim for benefits to be effective May 29, 2016, the Sunday that started the week during which Mr. Stoddard reactivated the claim. On June 2, 2016, Mr. Stoddard and the Workforce Advisor drafted a request to backdate the claim to May 22, 2016.

REASONING AND CONCLUSIONS OF LAW:

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 the 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 evidence in the record fails to establish good cause to backdate the effective date of the additional claim for benefits to a date prior to May 29, 2016. Though Mr. Stoddard acknowledged in December 2015 his obligation to read, know and follow the employment contained in the Unemployment Insurance Benefits Handbook, he did not read the handbook. If he had read the Handbook he would have read on one of the very first pages that he would need to reapply for benefits during the week for which he wished to recommence receiving benefits. Because Mr. Stoddard did not read the Handbook, he deprived himself of that piece of information. Mr. Stoddard waited until Sunday, May 29, 2016, to take any steps toward restarting benefits. At that point, it was already too late to reactivate the claim so that Mr. Stoddard could receive benefits for the week that ended May 28, 2016. On June 2, 2016, Mr. Stoddard took appropriate steps to reactivate the claim and established an additional claim that was deemed effective May 29, 2016. Workforce Development was correct in designating May 29, 2016 as the effective date of the additional claim for benefits, because that date was the Sunday that started the week during which Mr. Stoddard reactivated the claim. The delay in reactivating the claim was attributable to Mr. Stoddard and was not attributable either to Workforce Development or the employer. Mr. Stoddard's request to backdate the additional claim to a date prior to May 29, 2016 must be denied.

DECISION:

The June 7, 2016, reference 01, decision is affirmed. Good cause does not exist to backdate the additional claim for benefits to a date prior to May 29, 2016. The claimant's request to backdate the claim is denied.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs