

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD L HOLTHE
Claimant

APPEAL NO. 11A-UI-15763-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/23/11
Claimant: Appellant (1)

871 IAC 24.2(1) – Backdating Claims

STATEMENT OF THE CASE:

Richard L. Holthe filed a timely appeal from an unemployment insurance decision dated December 2, 2011, reference 02, that denied his request to backdate his additional claim prior to November 27, 2011. Due notice was issued for a telephone hearing to be held December 23, 2011. Mr. Holthe did not provide a telephone number at which he could be contacted.

ISSUE:

Can the claim be backdated?

FINDINGS OF FACT:

Richard L. Holthe contacted the Agency during the week ending November 27, 2011 to file an additional claim. He had become unemployed on or about November 18, 2011.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes sufficient cause to backdate the claim. It does not.

Section 871-24.2(1) of the Iowa Administrative Code establishes a rule that claims for unemployment insurance benefits are effective on the Sunday of the calendar week in which an individual contacts the Agency to request that benefits begin. A claim may be backdated if sufficient cause is shown. In his appeal letter, the claimant stated that he had called but had been placed on hold. The Agency has toll-free numbers for claimants to use. Additional claims may be filed in Agency local offices or, in Mr. Holthe's situation, in the office of the South Dakota agency handling unemployment insurance. Additional claims also may be filed on line. The evidence in the record does not establish why Mr. Holthe did not use any of these methods of establishing his claim prior to week of November 27, 2011. Therefore, the request to backdate the claim is denied.

The administrative law judge notes that this decision will not reduce the maximum amount of benefits to which Mr. Holthe may be entitled. Benefits for the week ending November 26, 2011 are not lost, merely deferred.

DECISION:

The unemployment insurance decision dated December 2, 2011, reference 02, is affirmed. The claimant's request to backdate his additional claim is denied.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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