

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JASON C LONGBINE
520 LINCOLN ST
AINSWORTH IA 52201-9455**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-03239-CT
OC: 01/15/06 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.2(1)a,h(1)(2) – Backdating Claims

STATEMENT OF THE CASE:

Jason Longbine filed an appeal from a representative's decision dated March 9, 2006, reference 02, which denied his request to backdate his claim. After due notice was issued, a hearing was held by telephone on April 12, 2006. Mr. Longbine participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Longbine filed a claim for job insurance benefits effective January 15, 2006. He had last worked on December 14, 2005 when he became separated from Precision Structures, Inc. He did not file a claim for job insurance benefits at

that time because he did not know he had to file immediately. His family suggested that he file and, therefore, he contacted his local office in January and filed a claim. The delay in filing his claim was not due to misinformation from either his employer or Workforce Development.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Longbine has presented sufficient justification to warrant backdating his claim prior to January 15, 2006. He did not investigate filing a claim until January, weeks after his separation in December. The fact that he did not know he had to file immediately in order to protect his rights is not justification to backdate the claim. Although he has been allowed benefits, the allowance is as of the effective date of the claim. Mr. Longbine has failed to present justification for backdating his claim.

DECISION:

The representative's decision dated March 9, 2006, reference 02, is hereby affirmed. Mr. Longbine's request to backdate his claim is denied as there was not sufficient justification to excuse the delay in filing.

cfc/pjs