

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVEN J GREENE
Claimant

APPEAL 17R-UI-10306-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/26/17
Claimant: Appellant (1)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the August 9, 2017 (reference 01) unemployment insurance decision that denied his request to backdate his claim for benefits prior to July 2, 2017. A first hearing was scheduled for September 1, 2017. It was postponed to September 8, 2017 to allow the claimant to attend a funeral in Guam. The claimant was unavailable when called for the September 8, 2017 hearing and it was dismissed. The claimant successfully requested reopening to the Employment Appeal Board who remanded the matter for a new hearing to allow the claimant to participate.

After due notice was issued, a hearing was held by telephone conference call on October 26, 2017. Claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Should the claim be backdated prior to July 2, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of March 26, 2017, and an additional claim date effective July 2, 2017. The claimant is requesting to backdate the claim to May 21, 2017. The claimant was temporarily laid off for the week ending May 27, 2017 from Dresser Rand and failed to establish an additional claim during the week he was unemployed.

The claimant relies upon his wife to file his unemployment claims for him. The claimant did receive a copy of the claimant handbook when he established his unemployment claim. His wife read parts of it, and according to the claimant, she failed to recognize that he was to establish an additional claim after his break in reporting. The claimant assumed his wife had filed the claim correctly until he was again temporarily unemployed the week of June 25, 2017.

The department did not fail to recognize the expiration of the claimant's previous benefit year and the claimant did not file an interstate claim against another state that has been determined as ineligible.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant's request to backdate the claim is denied.

Iowa Code section 96.6(1) provides:

Filing — determination — appeal.

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 provides:

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 files a claim for benefits.

(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:

1. The failure of the department to recognize the expiration of the claimant's previous benefit year;
2. The claimant filed an interstate claim against another state which has been determined as ineligible.

(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 day.

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.

Based on the evidence presented, the claimant has not presented any reason pursuant to Iowa Admin. Code r. 871-24.2(1)h to backdate the claim prior to July 2, 2017. The claimant is also reminded that he may receive assistance in filing of his claim through family, but that he is ultimately responsible for his claim being successfully transmitted each week he seeks to claim benefits. The claimant's request to backdate his claim is denied.

DECISION:

The August 9, 2017 (reference 01) unemployment insurance decision is affirmed. The claimant's request to backdate the claim prior to July 2, 2017 is denied.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn