

**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**

**ROY B PERRY
505 OAK ST
LAWTON IA 51030**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-10641-AT
OC: 09-19-04 R: 01
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) – Backdating Claims

STATEMENT OF THE CASE:

Roy B. Perry filed a timely appeal from an unemployment insurance decision dated September 24, 2004, reference 01, which denied his request to backdate his claim prior to September 19, 2004. Due notice was issued for a telephone hearing to be held October 19, 2004. Mr. Perry did not provide a telephone number at which he could be contacted. The administrative law judge takes official notice of agency benefit payment records and decision records.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Roy B. Perry filed a claim for unemployment insurance benefits effective September 19, 2004. A fact-finding decision dated October 6, 2004 has disqualified him from benefits. No appeal of that decision has been docketed. Mr. Perry has not filed any weekly claims for benefits since opening his benefit year.

REASONING AND CONCLUSIONS OF LAW:

The question is whether it is appropriate under the facts of this case to allow backdating. The administrative law judge concludes that it is not.

A provision of the Iowa Administrative Code, 871 IAC 24.2(1)a, establishes a general rule that a claim for unemployment insurance benefits is effective on the Sunday of the calendar week in which the individual files the claim. Backdating is allowed only if the individual establishes a sufficient reason.

Backdating the claim at this time would not help Mr. Perry since he has been disqualified for benefits. Furthermore, as noted above, he has filed no weekly claims. Even if he should successfully appeal the disqualification decision, backdating would result in no additional benefits being paid to him.

DECISION:

The unemployment insurance decision dated September 24, 2004, reference 01, is affirmed. The claimant's request to backdate his claim is denied.

pjs/tjc