

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RUSSELL D HALL**  
Claimant

**APPEAL NO. 14A-UI-01223-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/12/14**  
**Claimant: Appellant (2)**

871 IAC 24.2(1)h - Backdating

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated January 27, 2014, reference 01, that denied his request to backdate his claim. A telephone hearing was held on February 24, 2014. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing.

**ISSUE:**

When should the claimant's claim for unemployment insurance benefits be made effective?

**FINDINGS OF FACT:**

The claimant worked for McAninch Corporation until December 18, 2013, when he was temporarily laid off. He filed a new claim for unemployment insurance benefits online during the week of December 22, 2013. He completed all the entries and submitted the claim. He believed he had successfully filed the claim, but when he tried to file his weekly claim after the week was over, it was rejected.

After discovering that the new claim was not accepted, the claimant submitted the new claim again during the week of January 12, 2014, and requested that the claim be backdated to December 22, 2013. The claimant was able to and available for work during weeks between December 22, 2013, and January 11, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is on what date the claim for benefits should be made effective.

The unemployment insurance rules state when claim are made effective in 871 IAC 24.2(1)h(1) and (2).

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.

The claimant has established sufficient grounds to justify or excuse the delay in filing his claim. The claimant submitted his new claim of benefits online during the week of December 22, 2013. He reasonably believed the claim had been submitted properly. He did not discover the problem until later through no fault of his own. The claim for unemployment insurance benefits should be effective December 22, 2013.

**DECISION:**

The unemployment insurance decision dated January 27, 2014, reference 01, is reversed. The claimant's request to backdate the claim to December 22, 2013, is granted.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs