

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHY D STAHL
Claimant

APPEAL NO. 08A-UI-11462-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/23/08 R: 01
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Kathy Stahl filed an appeal from a representative's decision dated December 1, 2008, reference 01, which denied her request to backdate her claim prior to November 23, 2008. After due notice was issued, a hearing was held by telephone on December 22, 2008. Ms. Stahl participated personally.

ISSUE:

At issue in this matter is whether Ms. Stahl has presented sufficient justification to warrant backdating her claim.

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: Ms. Stahl is an employee of Wells Dairy. Prior to filing her claim for job insurance benefits, she had last worked on November 7, 2008. She understood from her employer that the first week for which she could claim benefits was the week beginning November 16. She was told she could not file until that date because she would be receiving pay on November 14.

Ms. Stahl attempted to open a claim by calling the voice response unit during the weekend of November 22. She believed she could reactivate her prior claim simply by calling in. She did not learn until November 22 that she would need to file a new claim. She reported to her local office on November 24, 2008 to file a new claim.

REASONING AND CONCLUSIONS OF LAW:

For reasons that follow, the administrative law judge concludes that Ms. Stahl's claim should be backdated. The delay in filing the claim was due to possible misinformation from the employer and the fact that she misunderstood the process for filing a claim. Because her last day of work was November 7, Ms. Stahl was eligible to receive benefits effective November 9, not November 16 as she was led to believe.

The administrative law judge concludes that Ms. Stahl had a good-faith belief that she could reopen her prior claim by calling the voice response unit. She did so at the end of the first week the employer told her she would qualify for benefits. When she learned on November 22 that she had to file a new claim, she acted with due diligence in contacting Workforce Development on November 24 to file a new claim.

Ms. Stahl was not at fault in the delay in filing her claim. Inasmuch as she was at all times acting in good-faith, her request to backdate the claim is allowed. The claim shall be backdated to be effective November 9, 2008.

DECISION:

The representative's decision dated December 1, 2008, reference 01, is hereby reversed. Ms. Stahl's request to backdate her claim to November 9, 2008 is allowed.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css