

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSE A JIMENEZ
Claimant

APPEAL 18A-UI-00814-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/31/17
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the January 10, 2018 (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to December 31, 2017. After due notice was issued, a hearing was held by telephone conference call on February 13, 2018. Claimant participated. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

May the claim be backdated prior to December 31, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an initial claim for benefits with an effective date of December 31, 2017. He desires to backdate the initial claim to Sunday, December 24, 2017. Typically, a local Iowa Workforce Development representative visits with employees of this employer when a temporary lay-off occurs. However, this year no representative visited with claimant or other employees of Wilson Trailer Company. Claimant did not realize that he needed to file his initial claim for benefits during the week in which he sought benefits for unemployment.

This was not a case where claimant was unable to re-open his claim because the department failed to recognize the expiration of the claimant's previous benefit year. Further, there is not an interstate claim against another state that has been determined as ineligible.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim must be denied.

Iowa Code section 96.6(1) provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Effective Wednesday, July 12, 2017, for claims effective July 16, 2017:

Iowa Admin. Code r. 871-24.2(1)h(1) and (2) provide:

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.

The September 2017, version of the *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. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

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 September 2017, version of the *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

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------------------|------------------------------------|
| Start of UI claim week one | | | | | | Last day of week one (no filing) |
| First day to file week one | File for week one | File for week one | File for week one | File for week one | Last day to file for week one | Last day of week two (no filing) |
| First day to file week two | File for week two | File for week two | File for week two | File for week two | Last day to file for week two | Last day of week three (no filing) |
| First day to file week three | File for week three | File for week three | File for week three | File for week three | Last day to file for week three | Last day of week four (no filing) |

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of 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.

Elsewhere in the September 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm
www.iowaworkforcedevelopment.gov
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

Weekly Claim Reporting

Hours: Sunday 8:00 am - 11:30 pm and Monday through Friday 8:00 am through 5:30 pm

<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

After an agency and legislative rulemaking process, effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only the two reasons cited above. Neither of those reasons applies in this case. Accordingly, the backdating request must be denied.

DECISION:

The January 10, 2018 (reference 01) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs