

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAKOTA P ASH
Claimant

APPEAL 17A-UI-06934-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/18/16
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:

Dakota P. Ash (claimant) filed a timely appeal from the July 5, 2017, reference 05, unemployment insurance decision that denied the request to backdate the claim for benefits prior to June 18, 2017. After due notice was issued, a hearing was held by telephone conference call on July 27, 2017. The claimant participated.

ISSUE:

May the claim be backdated prior to June 25, 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 December 18, 2016, and an additional claim date effective June 25, 2017. He desires to backdate the claim to June 18, 2017. The claimant participates in department approved training through his union. He successfully reactivated his claim the week of March 25, 2017. He attempted to reactivate his claim for benefits on June 19, 2017. He received an email stating that his claim did not successfully reactivate. The claimant did not contact IWD or attempt to reactivate his claim until June 25, 2017. The claimant waited to make a second attempt at reactivating his claim as this was not something that “registered” for him. (Claimant’s Testimony.) The claimant received the Unemployment Insurance Handbook, but did not read it thoroughly.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant’s request to backdate the claim is denied.

Iowa Code § 96.6(1) provides:

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(1) and (2) provide¹:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) § 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 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, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

¹ This rule was amended effective July 12, 2017 and further limits the reasons for backdating a claim. However, the claimant made his request for backdating on July 3, 2017, before the amendments went into effect.

The claimant has not provided a good cause reason to allow backdating. The claimant received notice that his claim did not properly reactivate. He made the decision not to contact IWD or attempt to reactivate his claim until the following week. He did not receive any misinformation from IWD or the employer. Backdating is denied.

DECISION:

The July 5, 2017, reference 05, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to June 18, 2017, is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn