

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMARA E NELSEN
Claimant

APPEAL NO. 07A-UI-11205-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/14/07 R: 02
Claimant: Appellant (1)**

871 IAC 24.2(1)a & h(1) & (2) – Backdating of Claim

STATEMENT OF THE CASE:

Tamara Nelsen filed an appeal from a representative's decision dated November 28, 2007, reference 02, which denied the claimant's request to backdate her claim prior to October 14, 2007. After due notice was issued, a hearing was held by telephone on December 18, 2007. Ms. Nelsen participated personally.

ISSUE:

The issue in this matter is whether the claimant has established sufficient grounds to justify backdating her claim prior to October 14, 2007.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant was employed by Casey's Marketing until October 12, 2007, when she was terminated from employment. On Monday, October 15, 2007, the claimant opened a claim for unemployment insurance benefits effective Sunday of that week, October 14, 2007. It is the claimant's position that because additional work shifts may have been available to the claimant had she not been discharged during the week ending October 13, 2007, she should potentially be eligible to claim benefits that week.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the claimant presented sufficient grounds to justify her request to backdate her claim prior to October 14, 2007. She has not.

The evidence in the record establishes that the claimant opened her claim for benefits on Monday, October 15, 2007, effective Sunday of that week, October 14, 2007. It is the claimant's contention that she should be allowed to backdate her claim to the previous week, as potentially additional working hours may have been available to her had she not been discharged from employment on Friday, October 12, 2007.

Iowa Administrative Code 871.24.2(1)a & h(1) & (2) provides that a claim may be backdated prior to the first day of the calendar week in which the claimant does report and file a claim only if there are sufficient grounds to justify the delay, which includes such factors as a mass layoff, error in the expiration of the previous benefit year, incorrect advice by a Workforce Development employee, or an interstate claim. As none of these factors were present in the claimant's case, the administrative law judge concludes that the claimant has not established sufficient grounds to backdate her claim prior to October 14, 2007.

DECISION:

The representative's decision dated November 28, 2007, reference 02, is hereby affirmed. The claimant's request to backdate her claim prior to October 14, 2007, is denied.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw