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

DAVID J FRASER
Claimant

IOWA WORKFORCE
 DEVELOPMENT DEPARTMENT

APPEAL NO. 11A-UI-09626-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/03/11
Claimant: Appellant (1)

871 IAC 24.2(1) – Backdating Claims

STATEMENT OF THE CASE:

David J. Fraser filed a timely appeal from an unemployment insurance decision dated July 14, 2011, reference 01, that denied his request to backdate his claim prior to July 3, 2011. Due notice was issued for a telephone hearing to be held August 16, 2011. Mr. Fraser did not provide a telephone number at which he could be contacted. The administrative law judge takes official notice of agency claim records and wage records.

ISSUE:

Has the claimant established sufficient grounds to justify backdating his claim?

FINDINGS OF FACT:

David J. Fraser's appeal letter requests that his claim be backdated to May 28, 2011. It does not state when Mr. Fraser became unemployed. It does not state where Mr. Fraser was living or why he waited until the week of July 3, 2011, a week in which he states that he was caring for his mother, to contact the agency to file a claim for benefits. There is no record of any wages being paid to Mr. Fraser.

REASONING AND CONCLUSIONS OF LAW:

Section 871-24.2(1) of the Iowa Administrative Code establishes a general rule that claims for unemployment insurance benefits are effective the Sunday of the calendar week in which the individual contacts the agency to request that the claim be established. Only if an individual establishes sufficient grounds to justify or excuse the delay can a claim be backdated. The evidence before the administrative law judge does not establish sufficient grounds.

DECISION:

The unemployment insurance decision dated July 14, 2011, reference 01, is affirmed. The claimant's request to backdate his claim prior to July 3, 2011 is denied.

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Dan Anderson
Administrative Law Judge

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Decision Dated and Mailed

pjs/pjs