

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY G HOXIE HUSS
Claimant

APPEAL NO: 13A-UI-12994-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/10/13
Claimant: Appellant (2)

871 IAC 24.2(1)a & h(1) & (2) - Backdating

STATEMENT OF THE CASE:

Kimberly G. Hoxie Huss (claimant) appealed a representative's November 18, 2013 decision (reference 01) that denied the claimant's request to backdate the claim prior to November 10, 2013. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 23, 2013. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request to back date her claim be granted?

FINDINGS OF FACT:

The claimant is employed by Sweet, Dave Et Al, Regency Midwest Ventures/Arrowwood Resort Okoboji. On November 1 she was informed that at least for the winter season her hours would be reduced from 40 to about 20. She was going to seek supplemental part time employment elsewhere, but on November 4 the employer asked her not to do so, that it would try to do something else to assist her. On Friday, November 8, when the employer had not come up with any other alternatives, the claimant inquired as to whether she could file for partial unemployment insurance benefits, and the employer had acknowledged she could. When she got home that day she called her local Agency office (in Spencer) and was told that she could establish, but that the office there would be closed before the claimant could get to the office, so she was instructed to come into the office on Tuesday, November 12, after the Veterans Day holiday. She did so, and did establish her claim at that time, effective November 10. She seeks partial unemployment insurance benefits for the week of November 3 through November 9, in which she worked 14.25 hours and earned less than her weekly benefit amount plus \$15.00.

REASONING AND CONCLUSIONS OF LAW:

Agency rule 871 IAC 24.2(1)h provides that claims for unemployment insurance benefits are ordinarily effective on the Sunday of the calendar week in which the individual files the initial claim. For good cause, a claim may be backdated. The administrative law judge finds good cause in that the claimant did attempt to establish a claim during the week ending November 9 but was not able to do so due to the Agency's office's closing. The claim should be backdated to November 3, 2013.

DECISION:

The representative's November 18, 2013 decision (reference 01) is reversed. The claimant's request to backdate her claim is granted.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs