

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL W WILSON
Claimant

APPEAL 18A-UI-05211-SC-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/24/17
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:

Michael W. Wilson (claimant) filed a timely appeal from the April 27, 2018, reference 01, unemployment insurance decision that denied the request to backdate the claim for benefits prior to April 22, 2018. After due notice was issued, a telephone hearing was held on May 24, 2018. The claimant participated. No exhibits were offered into the record.

ISSUE:

May the claim be backdated prior to April 22, 2018?

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 24, 2017, and an additional claim date effective April 22, 2018. He desires to backdate the additional claim to April 15, 2018. The claimant delayed reactivating the claim because he mistakenly believed his claim was still active from his layoff earlier in the year. The claimant was not between claim years and did not file his claim in another state.

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) 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.

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 April 27, 2018, reference 01, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to April 15, 2018, is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn