

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL N MOHR
Claimant

APPEAL NO: 15A-UI-01166-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/23/14
Claimant: Appellant (1)

871 IAC 24.2(1)h – Backdate a Claim

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 20, 2015 determination (reference 01) that denied his request to backdate his claim prior to November 23, 2014. The claimant participated at the February 26, 2015 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge must deny his request to backdate his claim.

ISSUE:

Should the claimant's request to backdate his claim be granted or denied?

FINDINGS OF FACT:

The claimant worked only five or six hours the week ending November 22. He did not want to establish a claim for benefits if he did not have to after his boss made comments that employees who filed claims raised the employer's tax rates. The next week the claimant again worked five or six hours. He then established a claim for benefits. His claim was made effective as of November 23, 2014. He requested that his claim be backdated to November 16, 2014, since he worked reduced hours that week also.

REASONING AND CONCLUSIONS OF LAW:

When filing for benefits, the effective date is Sunday of the current calendar week in which the claim is filed. A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect advice from a workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. 871 IAC 24.2(h). Even if the employer made a comment about employees raising its tax rate when they filed claims for unemployment insurance benefits, this is a factual statement. The claimant decided initially he would not establish a claim for the week ending November 22. The claimant did not establish sufficient grounds to backdate his claim to November 16, 2014.

DECISION:

The representative's January 20, 2015 determination (reference 01) is affirmed. The claimant's request to backdate the effective date of his claim to November 16, 2014, is denied. The effective date of the claimant's claim remains as of November 23, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs