

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SANDRA J HALL
Claimant

APPEAL 17A-UI-09127-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 08/20/17
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:

Sandra J. Hall (claimant) filed a timely appeal from the August 30, 2017, reference 02, unemployment insurance decision that denied her request to backdate the claim for benefits prior to August 20, 2017. After due notice was issued, a hearing was held by telephone conference call on September 25, 2017. The claimant participated.

ISSUE:

May the claim be backdated prior to August 20, 2017?

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 August 20, 2017, and desires to backdate the claim to August 13, 2017. The claimant delayed filing the claim because she believed she could just file her claim when she wanted and set it back to the date she wanted to start receiving benefits.

The claimant last filed for benefits effective January 12, 2014 with her benefit year ending January 11, 2015. She read the Unemployment Insurance Handbook at that time. The claimant did not attempt to file her most recent claim for benefits 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.

The claimant's prior claim year and this claim year were not subsequently filed, so the department did not fail to recognize the expiration of the prior claim year which would trigger backdating. The claimant did not file her claim in another state. The claimant's reason for delaying to file her claim does not fall under either of the allowable backdating reasons. Backdating must be denied.

DECISION:

The August 30, 2017, reference 02, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to August 13, 2017 is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn