

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TRAVIS W NESBURG
Claimant

APPEAL 18A-UI-00184-JP-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/05/17
Claimant: Appellant (1)

Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 27, 2017, (reference 01), unemployment insurance decision that denied the request to backdate the claim for benefits prior to December 24, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on January 26, 2018. Claimant participated. Official notice was taken of the administrative record with no objection.

ISSUE:

May the claim be backdated prior to December 24, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of November 5, 2017, and an additional claim effective December 24, 2017, and wishes to backdate the claim to December 17, 2017. The department has not failed to recognize the expiration of claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible.

Claimant was placed on a one-week temporary layoff for the week beginning December 17, 2017. On Sunday, December 24, 2017, claimant attempted to file his weekly continued claim for the week-ending December 23, 2017, but his claim was locked due to a break in reporting. Claimant was forced to reactivate his claim on December 24, 2017 and his first available week he could file for benefits was the week-ending December 30, 2017, but he was back to work that week. On Tuesday, December 26, 2017, claimant contacted Iowa Workforce Development (IWD). The IWD employee informed claimant that his claim had locked because of a break in reporting and he should have reactivated his claim for benefits. Claimant thought that once a claim was open, it was open for the entire year; he was not aware that his claim would lock after a break in reporting.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's request to backdate the claim must be denied.

Iowa Code section 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.

What parties often misunderstand about the process is that during the week in which the unemployment occurs, the claimant should open an umbrella-like "original claim" (OC) by the close of business on Friday to establish the general claim for unemployment insurance benefits. In addition, for each week the claimant remains unemployed, they must file a "weekly continued claim" (WCC) to show they are available for work, report any wages, and otherwise establish eligibility for that past week of benefit payment. That must be done sometime between Sunday and Friday of the following week. If a claimant does not file a WCC for one week for any reason and becomes unemployed again, the process must start over by reopening the OC no later than Friday, and filing weekly continued claim sometime between the following Sunday through Friday. No filing of any kind may be done on any Saturday.

The September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

Claim Effective Date

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

and

Reactivating a Claim

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The September 2017, version of the *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

Filing Weekly Claims

How to File

After you file your initial claim, file weekly claims online at iowaworkforcedevelopment.gov for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- Are currently unemployed or working reduced hours
- Are able to work and available for work
- Have not refused any job offers or referrals to a job
- Are actively looking for work (unless waived)
- Are reporting any pay or pension payment

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of benefits.

IMPORTANT: You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

After an agency and legislative rulemaking process, effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only two reasons: "1. The failure of the department to recognize the expiration of the claimant's previous benefit year; [or] 2. The claimant filed an interstate claim against another state which has been determined as ineligible." Iowa Admin. Code r. 871-24.2(1)h(1) and (2). Neither of those reasons applies in this case. Accordingly, the backdating is denied.

DECISION:

The December 27, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant's request to backdate the claim is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs