

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSE M PFEILER**  
Claimant

**APPEAL NO. 13A-UI-03907-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/18/12  
Claimant: Appellant (1)**

871 IAC 24.2(1)h - Backdating

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated March 27, 2013, reference 01, that denied her request to backdate her claim. A telephone hearing was held on April 29, 2013. The claimant participated in the hearing.

**ISSUE:**

When should the claimant's claim for unemployment insurance benefits be made effective?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits effective November 18, 2012, after a temporary layoff from her job with AmeriServe Food Service. She filed an additional claim for benefits effective December 23, when she was laid off due to the school closing for the holidays.

The claimant was temporarily laid off again for the week of March 16 through 23, 2013. She attempted to phone in her weekly claim on March 23, but she never contacted Iowa Workforce Development to file an additional claim or went online to file an additional claim. The weekly claim could not be accepted because the claimant had not filed any claims for over two months and she had not reactivated her claim.

On March 26, 2013, the claimant contacted the Workforce Development Center to reopen her claim. She requested that the claim be backdated to be effective March 16, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is on what date the claim for benefits should be made effective.

The unemployment insurance rules state when claim are made effective in 871 IAC 24.2(1)h(1) and (2).

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 reports in person at a workforce development center and registers for work in accordance with paragraph "a" of this rule.

(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:

- Backdated prior to the week in which the individual reported if the individual presents to the department sufficient grounds to justify or excuse the delay;
- There is scheduled filing in the following week because of a mass layoff;
- The failure of the department to recognize the expiration of the claimant's previous benefit year;
- The individual is given incorrect advice by a workforce development employee;
- The claimant filed an interstate claim against another state which has been determined as ineligible;
- Failure on the part of the employer to comply with the provisions of the law or of these rules;
- Coercion or intimidation exercised by the employer to prevent the prompt filing of such claim;
- Failure of the department to discharge its responsibilities promptly in connection with such claim, the department shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of potential rights to benefits.

The claimant has not shown she received incorrect advice by an agency employee, her failure to file an earlier claim was due to the employer's failure to comply with the law, or the employer prevented the claimant from promptly filing a claim. The claimant has failed to establish sufficient grounds to justify or excuse the delay in filing her claim. Her additional claim for unemployment insurance benefits is effective March 24, 2013.

**DECISION:**

The unemployment insurance decision dated March 27, 2013, reference 01, is affirmed. The claimant's request to backdate the claim is denied.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css