

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MITCHELL D ESTEY**  
Claimant

**APPEAL NO: 13A-UI-00834-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/30/12  
Claimant: Appellant (4)**

871 IAC 24.2(1)a & h(1) & (2) - Backdating

**STATEMENT OF THE CASE:**

Mitchell D. Estey (claimant) appealed a representative's January 14, 2013 decision (reference 01) that denied the claimant's request to backdate the claim prior to December 30, 2012. After a hearing notice was mailed to the claimant's last-known address of record for an in-person hearing to be held on February 27, 2013, with the claimant's consent a telephone hearing was held on February 26, 2013. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the claimant's request to backdate his benefit year be granted?

**FINDINGS OF FACT:**

The claimant had a layoff from employment effective December 19, 2012. He originally had an unemployment insurance benefit year established effective December 25, 2011, expiring December 23, 2012. On December 27 he attempted to open a second benefit year through the Agency phone response system, but when he attempted to make a weekly continued claim on December 29, the system rejected his attempt. He then physically went to a local Agency office on or about January 2, 2013, and was assisted in establishing a second benefit year effective December 30, 2012. He now seeks to have that benefit year backdated to December 23, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

Agency rule 871 IAC 24.2(1)h provides that claims for unemployment insurance benefits are ordinarily effective on the Sunday of the calendar week in which the individual files the initial claim. For good cause, a claim may be backdated. The administrative law judge finds good cause in that the claimant made bona fide attempts to create a new benefit year during the week of December 23, following his layoff on December 19. The benefit year should be backdated to December 23, 2012.

**DECISION:**

The representative's January 14, 2013 decision (reference 01) is modified in favor of the claimant. The claimant's request to backdate his benefit year to December 23, 2012 is allowed.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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