

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRENDA L EVANS
Claimant

APPEAL 18A-UI-06965-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 06/10/18
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:

Brenda L. Evans (claimant) filed a timely appeal from the June 20, 2018, reference 03, unemployment insurance decision that denied the request to backdate the claim for benefits prior to June 10, 2018. After due notice was issued, a telephone hearing was held on July 16, 2018. The claimant participated.

ISSUE:

May the claim be backdated prior to June 10, 2018?

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 June 10, 2018 and desires to backdate the claim to May 20, 2018. The claimant delayed filing the claim because she mistakenly believed she had filed the claim on May 27 and did not verify the status of her claim with Iowa Workforce Development (IWD) until June 11. The claimant's prior claim year ran from October 16, 2016 through October 15, 2017 and she did not file her current 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)¹ 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.

Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only the two reasons cited above. Neither of those reasons applies in this case. Accordingly, the backdating request must be denied.

DECISION:

The June 20, 2018, reference 03, unemployment insurance decision is affirmed. The claimant's request to backdate the claim to May 20, 2018, is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn

¹ The regulation was amended effective June 27, 2018 to remove the ability to backdate a claim due to the failure of the agency to recognize the end of the benefit year. However, as the decision on the claimant's request to backdate was made prior to the new amendment becoming effective, the pre-amendment rule is being used in deciding this case.