

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LANDIS L MOHR
Claimant

APPEAL 17A-UI-00066-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/20/16
Claimant: Appellant (1)**

Iowa Admin. Code r. 871-24.2(1)h(1) & (2) – Backdating of Claim

STATEMENT OF THE CASE:

Claimant filed an appeal from the December 23, 2016, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to December 18, 2016. After due notice was issued, a hearing was scheduled to be held by telephone conference call on January 25, 2017. Claimant participated. Official notice was taken of the administrative record of claimant's continued claims filing, with no objection.

ISSUE:

May the claim be backdated prior to December 18, 2016?

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 March 20, 2016, and desires to backdate the claim to December 4, 2016. Claimant was off work on a temporary layoff for the week beginning December 4, 2016. Claimant attempted to reopen his claim on Sunday, December 11, 2016. Claimant received a message to wait until the Saturday, December 17, 2016 to file his weekly claim. On December 17, 2016, claimant tried to file his weekly claim for his temporary layoff, but he was not able to file his claim for that week. Claimant called Iowa Workforce Development (IWD) on Monday, December 19, 2016. The IWD employee told claimant that he was one day late in filing his claim.

Since claimant opened his claim with an effective date of March 20, 2016, claimant has had to reopen his claim on more than one occasion before filing his weekly continued claim. Claimant was aware he had to reopen his claim after a break in reporting, but he was not sure how long the break had to be before his claim had to be reopened.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes 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 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, provided, that no such claim may be filed after the 13 weeks subsequent to the end of the benefit year during which the week of unemployment occurred. In the event continuous jurisdiction is exercised under the provisions of the law, the department may, in its discretion, extend the period during which claims, with respect to week of unemployment affected by such redetermination, may be filed.

Since claimant filed his claim for benefits with an effective date of March 20, 2016, claimant has had to reopen his claim after a break in reporting on more than one occasion. The administrative record shows prior to December 4, 2016 claimant last filed his weekly continued claim on November 5, 2016. Because there was a break in reporting from the week-ending November 5, 2016, until December 4, 2016, claimant needed to reopen his claim during the week of his unemployment. Claimant failed to attempt to reopen his claim during his week of unemployment and waited until Sunday, December 11, 2016. Claimant's failure to reopen his claim after break in reporting when he had previously reopened his claim during the current claim year is not considered a good cause reason for having failed to reopen his claim during the first week of unemployment. Backdating is denied.

DECISION:

The December 23, 2016, (reference 01) unemployment insurance decision is affirmed. Claimant's request to backdate the claim to December 4, 2016, is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs