

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELODY A MILLER
Claimant

APPEAL NO. 14A-UI-11955-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/09/14
Claimant: Appellant (2)

871 IAC 24.2(1)h - Backdating

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 14, 2014, reference 01, that denied the claimant's request to backdate her claim. A telephone hearing was held on December 9, 2014. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing.

ISSUE:

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

FINDINGS OF FACT:

During the week ending November 8, the claimant worked reduced hours at Bunn-O-Matic Corporation. She was told she did not have to report to work on November 3; she worked on Tuesday and Wednesday, worked until noon on Thursday, and then was laid off through Friday. Her wages for the week totaled \$327. The claimant did not file the claim during the week of November 2 to 8, 2014, because supervisors said workers would be eligible for benefits and file claims on Monday, November 10. The claimant filed a claim on November 10 and requested backdating. Her weekly benefit amount was determined to be \$428. When some employees, including the claimant, were denied backdating, the employer provided a letter encouraging the employees to appeal the decisions due to misinformation about applying for unemployment.

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 employer did not provide sufficient information to the claimant to file her claim before the week of November 2 to 8 ended. The claimant has established sufficient grounds to justify or excuse the delay in filing her claim. The claim for unemployment insurance benefits is effective November 2, 2014.

DECISION:

The unemployment insurance decision dated November 14, 2014, reference 01, is reversed. The claimant's request to backdate the claim is granted.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs