

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRADLEY J ALLEN
Claimant

APPEAL 17A-UI-10387-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 07/02/17
Claimant: Appellant (1)**

871 IAC 24.2(1)h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the October 3, 2017, (reference 01) decision that denied the request to backdate the claim for benefits prior to October 1, 2017. After due notice was issued, a hearing was held by telephone conference call on October 26, 2017. Claimant participated.

ISSUE:

May the claimant's additional claim date be backdated prior to October 1, 2017?

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 July 2, 2017 and an additional claim date effective October 1, 2017, and desire to backdate the additional claim date to September 24, 2017.

The claimant was temporarily laid off for the week ending September 30, 2017 from Victor Manufacturing and failed to establish an additional claim during the week he was unemployed. The claimant had downloaded the handbook for unemployment when he filed his initial claim back in July 2017, but he only skimmed it and did not read it. He assumed that since he had a good claim still he would not need to reopen his claim after he had a break in weekly reporting. He did not contact anyone at Iowa Workforce Development Department to find out if his assumptions were accurate.

The department has not failed to recognize the expiration of the claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible.

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 section 96.6(1) provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Effective Wednesday, July 12, 2017, for claims effective July 16, 2017:

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 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.

REACTIVATING A CLAIM

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The claimant simply did not properly reopen his claim after he had a break in reporting. While the claimant may have presented reasons for backdating that would have previously been considered "sufficient grounds" to grant the request, effective July 12, 2017, 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 October 3, 2017, (reference 1) unemployment insurance decision is affirmed. The claimant's request to backdate the claim is denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs