

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID L REID
Claimant

APPEAL NO. 11A-UI-08673-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION

OC: 12/19/10
Claimant: Appellant (5)

871 IAC 24.2(1) – Backdating Claims

STATEMENT OF THE CASE:

David L. Reid filed a timely appeal from an unemployment insurance decision dated June 27, 2011, reference 01, that denied his request to backdate his claim prior to June 12, 2011. After due notice was issued, a telephone hearing was held July 27, 2011 with Mr. Reid participating. Exhibit A was admitted into evidence on his behalf. Human Resources Associate Carrie Jafter participated on behalf of the employer, Whirlpool Corporation.

ISSUE:

Is it appropriate to backdate the claim prior to June 12, 2011?

FINDINGS OF FACT:

David L. Reid is an employee of Whirlpool Corporation. He filed a claim for unemployment insurance benefits during the week of December 19, 2010 during a one-week plant shutdown. The plant shut down again the week of March 27 through April 2, 2011. Mr. Reid was laid off but felt that he should not have been. Through Local No. 1526 of the International Association of Machinist and Aerospace Workers, he filed a grievance. The grievance was not resolved until late May 2011. The ruling was adverse to Mr. Reid.

Mr. Reid had not filed an additional claim for benefits during the week of March 27, 2011 in order to avoid the potential of an overpayment of benefits that would have resulted had his grievance been successful. He contacted the Agency's Cedar Rapids Workforce Center during the week of June 12, 2011 to request to file an additional claim for the week of March 27, 2011. Instead, the Agency established an additional claim effective June 12, 2011 and paid benefits to Mr. Reid for that week. Mr. Reid had worked the entire week.

Unemployment insurance benefits for the week ending June 18, 2011 have been put on Mr. Reid's debit card. He has not spent those benefits, pending the outcome of the present case. The company is not contesting Mr. Reid's application for benefits for the week of March 27, 2011.

REASONING AND CONCLUSIONS OF LAW:

Section 871-24.2(1) of the Iowa Administrative Code allows backdating a claim if sufficient grounds to justify the delay are established. Mr. Reid testified that he wished to avoid a situation in which he would be required to repay benefits, the result that would have occurred had his grievance been successful. Delaying the claim pending the grievance is also efficient for the Agency. Had the claim been processed and benefits paid prior to Mr. Reid winning the grievance, the Agency would have faced the expense of recovering the overpayment. Given the facts of the present case, the administrative law judge concludes that Mr. Reid has established sufficient grounds to allow backdating his additional claim to March 27, 2011.

Mr. Reid does not contest the fact that he should not have been paid unemployment insurance benefits for the week ending June 18, 2011. In essence, Mr. Reid has been paid the proper amount of unemployment insurance benefits, but they have been attributed to the wrong week.

DECISION:

The unemployment insurance decision dated June 27, 2011, reference 01 is modified. The claimant is entitled to receive unemployment insurance benefits for the week ending April 2, 2011 but he is not eligible to receive unemployment insurance benefits for the week ending June 18, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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