

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSHUA A AMLING
Claimant

APPEAL 17A-UI-00222-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/18/16
Claimant: Appellant (2)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the January 4, 2017, (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 27, 2017. Claimant participated.

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 December 18, 2016, and desires to backdate the claim to December 11, 2016. Claimant delayed filing the claim because he did not realize his employer, John Deere, no longer files initial claims for its employees. In the past, John Deere filed initial claims for unemployment benefits on behalf of its employees. Recently, it ceased this practice. Claimant did not realize this. Claimant was laid off during the week ending December 17, 2016. On Sunday, December 18, 2016, claimant went to file his weekly continued claim, but he was unable to do so because no initial claim had been filed. After speaking to his employer on Monday, December 19, 2016, claimant filed an initial claim. By this time, claimant's original claim date was December 18, 2016, instead of the desired date of December 11, 2016. Claimant was laid off for one week and earned no wages during the week ending December 17, 2016.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is granted.

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) § 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.

In this case, employer had a past practice of filing initial claims for unemployment insurance benefits on behalf of its employees. Employer ceased this practice, but claimant was not aware of this. Claimant attempted to file his weekly continued claim in a timely manner, but was unable to do so due to the fact no initial claim had been filed on his behalf. When claimant learned what occurred, he diligently attempted to correct the situation. Claimant has presented a good cause reason to backdate the claim.

DECISION:

The January 4, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to December 11, 2016, is granted, as are retroactive benefits for the same time period. Claimant earned no wages during the week ending December 17, 2016.

Christine A. Louis
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Decision Dated and Mailed

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