

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES R LANDIS
Claimant

APPEAL 15A-UI-11463-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/27/15
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the October 6, 2015, (reference 02) unemployment insurance decision that denied the request to backdate the claim for benefits prior to September 27, 2015. After due notice was issued, a hearing was held by telephone conference call on October 28, 2015. Claimant participated. Claimant Exhibit A was admitted into evidence with no objection.

ISSUE:

Should the claimant's request to backdate the claim prior to September 27, 2015, be granted?

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 September 27, 2015, and desires to backdate the claim to July 19, 2015. Claimant quit his job on July 17, 2015 to accept new employment. Claimant Exhibit A. Claimant delayed filing the claim because he had expected to start his new job in late August 2015 or early September 2015. Claimant found out on September 14, 2014 that he would not be going to work for the new employer. Claimant Exhibit A. Claimant then filed a claim for benefits with an effective date of September 27, 2015.

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 § 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.

Claimant's reason for not filing his claim right after his separation was a voluntary decision. Claimant has not established a good-cause reason under Iowa Admin. Code r. 871-24.2(1) for his delay in filing his claim. Backdating is denied.

DECISION:

The October 6, 2015, (reference 02) unemployment insurance decision is affirmed. The claimant's request to backdate the claim prior to September 27, 2015, is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/css