

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GEORGE B CLINE
Claimant

APPEAL 17A-UI-11437-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/19/17
Claimant: Appellant (1)**

Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 26, 2017, (reference 02), unemployment insurance decision that denied the request to backdate the claim for benefits prior to October 8, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on November 29, 2017. Claimant participated. Official notice was taken of the administrative record with no objection.

ISSUE:

May the claim be backdated prior to October 8, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of March 19, 2017, and an additional claim effective October 29, 2017, and wishes to backdate the claim to October 8, 2017. On Sunday, October 15, 2017, claimant attempted to file his weekly continued claim for the week beginning October 8, 2017, but he was unsuccessful. Claimant was unable to connect to the Iowa Workforce Development (IWD) system through his cellphone to file his continued weekly claim. Claimant testified he is not computer savvy. Claimant testified on October 16, 2017, he went to the IWD office in Des Moines. The IWD employee instructed claimant to file a request to backdate his claim backdated. 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 claimant's request to backdate the claim must be 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.

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.

After an agency and legislative rulemaking process, 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 is denied.

DECISION:

The October 26, 2017, (reference 02) unemployment insurance decision is affirmed. Claimant's request to backdate the claim is denied.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs