

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANIE MORGAN
Claimant

APPEAL 17A-UI-05076-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/16/17
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 May 4, 2017, (reference 02) unemployment insurance decision that denied the request to backdate the claim for benefits prior to April 16, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on May 30, 2017. Claimant participated.

ISSUE:

May the claim be backdated prior to April 16, 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 April 16, 2017, and desires to backdate the claim to April 2, 2017. Claimant delayed filing the claim because on April 3, 2017, the representative at her local office told her she could not file a claim for benefits until the agency reviewed her severance agreement. On April 20, 2017, claimant obtained a copy of the severance agreement and sent it to the agency. Claimant then filed an initial claim, but realized the online application would not allow her to claim benefits for the previous two weeks. Claimant then called the customer service line and requested the claim be backdated.

Claimant did not work during the two weeks ending April 15, 2017. Claimant was available for work and made the job searches required to receive benefits. Claimant earned \$194 in vacation pay during the one week ending April 8, 2017. Claimant did not earn any wages or vacation pay during the one week ending April 15, 2017.

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, claimant delayed filing her claim based on incorrect advice given by an agency employee. Incorrect guidance or information from the IWD online claim system is considered a good cause reason for the delay in filing the claim.

DECISION:

The May 4, 2017, (reference 02) unemployment insurance decision is reversed. The claimant's request to backdate the claim to April 2, 2017, is granted, as are retroactive benefits for the same time period. Claimant earned \$194 in vacation pay during the one week ending April 8, 2017. Claimant did not earn any wages or vacation pay during the one week ending April 15, 2017.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn