

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LEONARD S MILLER
Claimant

APPEAL NO. 14A-UI-11321-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JOHN DEERE
Employer

OC: 09/21/14
Claimant: Appellant (2)

871 IAC 24.2(1)h – Backdating

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 27, 2014, reference 01, that denied the claimant's request to backdate his claim. A telephone hearing was held on November 20, 2014. Proper notice of the hearing was given to the claimant. The claimant participated in the hearing. Nicole Cook participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing.

ISSUE:

When should the claimant's claim for unemployment insurance benefits be made effective?

FINDINGS OF FACT:

The claimant worked for John Deere. He was laid off from September 22 through October 25, 2014. He was available for and able to work during this period.

John Deere has set up a process with Iowa Workforce Development where it submits a list of laid off worker during the week that were laid off with all the necessary information to file an initial claim for unemployment insurance benefits. The claimant was informed and understood that under the employer-filed claims process, all he needed to do was to file his weekly claims to receive benefits.

The employer sent the Agency a list of employee who were laid off starting the week of September 22. For some reason, there was no initial claim established for the claimant so when he tried to file his weekly claim on September 28, it could not be accepted. He went to his supervisor to find out why his claim had not been filed. Eventually, the claimant was filed effective October 12.

The claimant and the employer both requested that the claim be backdated to be effective September 21, 2014.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is on what date the claim for benefits should be made effective.

The unemployment insurance rules state when claim are made effective in 871 IAC 24.2(1)h(1) and (2);

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.

The reason the claimant failed to file an earlier unemployment insurance claim was because he reasonably believed an employer-file claim was being filed on his behalf. The claimant has establish sufficient grounds to justify or excuse the delay in filing his claim. The claim for unemployment insurance benefits is effective September 21, 2014.

DECISION:

The unemployment insurance decision dated October 27, 2014, reference 01, is reversed. The claimant's request to backdate the claim to September 21, 2014, is granted. Retroactive benefits should be allowed for the weeks ending September 27, October 4, and October 11.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/can