

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

DAVID K PARRIS
Claimant

APPEAL NO: 18A-UI-01590-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/21/18
Claimant: Appellant (1)**

871 IAC 24.2(1) A&H (1)&(2) – Backdating Claim

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 30, 2018, reference 01, decision that denied his request to backdate his claim. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 27, 2018. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant's unemployment insurance benefits claim can be backdated.

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 January 21, 2018. He is asking for benefits the week ending January 20, 2018. He was laid off from work and the employer instructed the crew to file for benefits and seek benefits for the days they were laid off going back to the beginning of the year.

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 Admin. Code r. 871-24.2(1)h(1), (2) and (3) 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.

(3) When the benefit year expires on any day but Saturday, the effective date of the new claim is the Sunday of the current week in which the claim is filed even though it may overlap into the old benefit year up to six days. However, backdating shall not be allowed at the change of a calendar quarter if the backdating would cause an overlap of the same quarter in two base periods. When the overlap situation occurs, the effective date of the new claim may be postdated up to six days. If the claimant has benefits remaining on the old claim, the claimant may be eligible for benefits for that period by extending the old benefit year up to six days.

Inaccurate information from the employer is no longer considered a good cause reason for having failed to file a claim during the first week of unemployment. Therefore, backdating must be denied.

DECISION:

The January 30, 2018, reference 01, decision is affirmed. The claimant's request to backdate the claim is denied.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn