

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW C SIMKO
Claimant

APPEAL NO: 11A-UI-01863-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/02/11
Claimant: Appellant (1)

871 IAC 24.2(1)(h) – Backdate a Claim

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 11, 2011 determination (reference 03) that denied his request to backdate his claim prior to January 2, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge must deny the claimant's request to backdate his claim.

ISSUE:

Should the claimant's request to backdate his claim be granted?

FINDINGS OF FACT:

The claimant became unemployed on December 16, 2010. He had a job interview in another department with the same employer the week of December 19. He thought he would be hired for the job he interviewed for when a second interview was scheduled the week of December 27 and then rescheduled to the week of January 3.

The claimant did not establish his claim for benefits until the week of January 2, 2011, because he thought he would have another job right away. After the second interview, the claimant learned the employer thought he was overqualified for the job he had been interviewing for.

The claimant requested that his claim be backdated to the week of December 19, 2010.

REASONING AND CONCLUSIONS OF LAW:

A claim for benefits is effective as of Sunday in the current calendar week in which a person files or establishes a claim for benefits. Claims can be backdated prior to the week in which the individual files if there are sufficient grounds to justify or excuse the delay in filing a claim. Sufficient grounds includes receiving incorrect information from a Workforce representative or if an employer intimidated a person to prevent the prompt filing of a claim. 871 IAC 24.2(1)(h).

The claimant did not establish sufficient grounds to backdate his claim. The claimant made a conscious decision he would not immediately establish a claim for benefits because he felt

confident he would be hired for another job by the end of December. The claimant's request to backdate his claim to December 19, 2010, is denied.

DECISION:

The representative's February 11, 2011 determination (reference 03) is affirmed. The claimant's request to backdate his claim to December 19, 2010 is denied. The effective date of his claim is January 2, 2011.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css