

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TODD E HAYES**  
Claimant

**APPEAL NO: 13A-UI-03618-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/10/13  
Claimant: Appellant (1)**

871 IAC 24.2(1)h - Backdate

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's March 21, 2013 determination (reference 01) that denied his request to backdate his claim prior to March 10, 2013. The claimant participated in the hearing with his witness, Joanne Stoner. During the hearing, Claimant's Exhibit A was offered and admitted as evidence. Based on the evidence, the claimant's arguments, 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 or denied?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of January 29, 2012. He reopened this claim the week of December 31, 2012. He filed weekly claims for the weeks ending January 5 and 12, 2013. He received benefits for these weeks.

The claimant does not recall receiving a notice from the Department in early January 2013. The notice informed him that if he were still unemployed he needed to file a new claim because his current unemployment claim expired on January 26, 2013.

After the claimant filed his claims in January 2013, he had surgery on January 10, 2013. He was on workers' compensation until he was released to work on March 3, 2013. The week of March 3, the claimant was laid off from work. He returned to work the week of March 10, 2013. (Claimant Exhibit A.)

The claimant attempted to call in a weekly claim for the week ending March 9. The system would not let him report this weekly claim. On March 12, 2013, the claimant talked to a representative and learned that because two weeks had passed since his last claim, the system would not let him file a weekly claim for the week ending March 9, 2013. (Claimant Exhibit A.)

A new benefit year was established during the week of March 10, 2013. The claimant made a request to backdate this new claim year to March 3, 2013.

**REASONING AND CONCLUSIONS OF LAW:**

When filing for benefits, the effective date is Sunday of the current calendar week in which the claim is filed. A claim may be backdated if a claimant establishes sufficient grounds to excuse the delay in filing a claim for benefits. Reasons for filing a late claim include receiving incorrect advice from a workforce employee and if an employer intimidated a claimant to prevent the prompt filing of a claim. 871 IAC 24.2(h).

When a claimant establishes a claim for benefits, the claim is effective for one year. 871 IAC 24.1(20). When the claimant established his claim during the week of January 29, 2012, this claim did not end until January 26, 2013. When the claimant filed an additional claim the week of December 31, 2012, he had to do this because he had not filed any weekly claims for several months. During the week of December 31, 2012, the claimant did not establish a new claim year. He could not establish a new benefit year until the week of January 27, 2013. The Department attempted to remind the claimant to establish a new claim year when a notice was sent to him in early January.

Even though the claimant's employer may not object to the claimant receiving benefits for the week ending March 9, 2013, the claimant did not have an effective claim during this week. The claimant acknowledged that he could have established a claim during the week of March 3, 2013, if he had realized he needed to do this. Under 871 IAC 24.2(1)h, the claimant did not establish sufficient grounds to excuse his delay in establishing a new benefit year. Therefore, his request to backdate the effective date of his claim to March 3, 2013, is denied.

**DECISION:**

The representative's March 21, 2013 determination (reference 01) is affirmed. The claimant did not establish sufficient grounds or excuse to justify his delay in establishing a new claim year the week of March 3, 2013. The claimant's request to backdate his claim is denied. The effective date of his claim remains as of March 10, 2013.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs