

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KENNETH PIEPER**  
Claimant

**APPEAL NO. 07A-UI-09544-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/11/07 R: 02  
Claimant: Appellant (1)**

871 IAC 24.2(1)a & h(1) & (2) - Backdating

**STATEMENT OF THE CASE:**

Kenneth Pieper (claimant) appealed an unemployment insurance decision dated October 3, 2007, reference 01, which denied his request to backdate his claim prior to September 30, 2007. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on October 29, 2007. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for benefits with an effective date of February 11, 2007 and received the unemployment information booklet at that time. He effectively called in for and received nine weeks of benefits. The claimant used his cell phone on September 4, 2007 to claim one week of benefits for the previous week. He admits that he did not receive confirmation on his claim before he was disconnected but did not call back in. The claimant also did not follow up with his claim until almost one month later because he was working out of town.

**REASONING AND CONCLUSIONS OF LAW:**

The issue to be determined is whether the claimant's request to backdate his claim should be granted. For the reasons that follow, the administrative law judge concludes the claimant's request to backdate his claim is denied.

871 IAC 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 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.

(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 the 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.

Iowa Workforce advises claimants in writing that if they get disconnected or hang up before the system advises them their claim has been accepted, they need to call again to successfully file their claim. The claimant was given this information and even realized when he called in on September 4, 2007 that he had not received confirmation that his claim was accepted. Additionally, he waited several more weeks before following up on his weekly claim. The claimant has failed to establish sufficient grounds to justify or excuse the delay in filing his claim prior to September 30, 2007. Backdating is denied.

**DECISION:**

The unemployment insurance decision dated October 3, 2007, reference 01, is affirmed. The claimant's request to backdate his claim is denied.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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