

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STANLEY E HOGAN
Claimant

APPEAL NO. 07A-UI-07389-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10-08-06 R: 04
Claimant: Appellant (1)**

871 IAC 24.2(1)a & h – Backdating a Claim

STATEMENT OF THE CASE:

Stanley E. Hogan filed a timely appeal from an unemployment insurance decision dated July 26, 2007, reference 08, that denied his request to backdate his additional claim prior to July 22, 2007. After due notice was issued, a telephone hearing was held August 16, 2007 with Mr. Hogan participating. Exhibit A was admitted into evidence.

ISSUE:

Has the claimant presented sufficient grounds to allow backdating his additional claim?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Stanley E. Hogan filed his most recent original claim for benefits during the week of October 8, 2006. He received benefits through the week ending April 7, 2006 before going to work for Tri-State Molding for only a few weeks before being laid off. He did not file an additional claim for benefits because he was concerned at the possibility of having an overpayment of benefits, a situation he had experienced in the early 1990's. He then found work with NAMASCO, but that employment ended in early August, leading to his additional claim filed effective August 5, 2007. At the time of that filing, he requested backdating to cover the weeks from May 6 through June 9, 2007.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in this record establishes sufficient grounds to justify backdating to cover the weeks in May and June 2007.

The standards for allowing backdating a claim are filed in 871 IAC 24.2(1)h(1) and (2). The standards focus on mistaken information from the Agency or prior employer. The evidence in this record does not establish any misdeeds by either the Agency or Tri-State Molding. Mr. Hogan testified that he did not request benefits in May 2007 because he was concerned at the possibility of an overpayment of benefits. While his concern may be genuine, it is a concern

shared by every claimant. It does not meet the legal standard for allowing retroactive benefits. The claimant's request must be denied.

DECISION:

The unemployment insurance decision dated July 26, 2007, reference 08, is affirmed. The claimant's request to backdate his claim is denied.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs