

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN K PORTER
Claimant

APPEAL NO: 13A-UI-13180-DT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/06/13

Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Steven K. Porter (claimant) appealed a representative's November 27, 2013 decision (reference 01) that denied the claimant's request to backdate his additional claim prior to November 24, 2013. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 24, 2013. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant's request to back date his additional claim be granted?

FINDINGS OF FACT:

The claimant established an unemployment insurance benefit year effective January 6, 2013. The claimant had a layoff from employment effective the week beginning November 18, 2013. He did not reactivate his claim by filing an additional claim until the week beginning November 24, 2013. The delay in filing the claim was due to the claimant being sufficiently ill the week of November 18 that he was unable to get to an Agency office for assistance in establishing his additional claim until the week of November 24. The claimant had not attempted on his own to go on-line to open an additional claim during the week of November 18.

REASONING AND CONCLUSIONS OF LAW:

Agency rule 871 IAC 24.2(1)h provides that claims for unemployment insurance benefits are ordinarily effective on the Sunday of the calendar week in which the individual files the initial claim. For good cause, a claim may be backdated. The reason the claimant failed to file an earlier unemployment insurance claim was because he was too ill to go to a local Agency office to receive assistance. This is not considered a good cause reason for having failed to file a claim during the first week of unemployment; further, it also suggests that the claimant was too ill to be able and available for work in order to have been eligible for benefits for that week. The claimant has not shown he received incorrect advice by an agency employee, that he made a

AMENDED

good-faith effort to make a claim on-line prior to November 24, that failure to file an earlier claim was due to the employer's failure to comply with the law, or that the employer prevented the claimant from promptly filing a claim. The claimant has failed to establish sufficient grounds to justify or excuse the delay in filing his additional claim. Backdating prior to November 24, 2013 is denied.

DECISION:

The representative's November 27, 2013 decision (reference 01) is affirmed. The claimant's request to backdate his additional claim prior to November 24, 2013 is denied.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs