

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRYAN S VRIEZELAAR
Claimant

APPEAL NO: 15A-UI-02191-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/07/14
Claimant: Appellant (2)

871 IAC 24.2(1)h – Backdate a Claim

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 11, 2015 determination (reference 04) that denied his request to backdate his additional claim prior to February 8, 2015. The claimant participated at the March 24 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request to backdate his additional claim to February 1, 2015.

ISSUE:

Should the claimant's request to backdate his claim to February 1, 2015, be granted or denied?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 7, 2014. He filed claims for the weeks ending December 13, 2014, through January 10, 2015. The claimant went back to work and did stop filing weekly claims for several weeks. As a result of adverse weather, the claimant did not work the week of February 1 through 7, 2015. On February 8, the claimant attempted to file an on-line weekly claim for the week ending February 7, 2015.

The on-line system allowed the claimant to enter his social security number, but also indicated an error had occurred and the claimant needed to contact his local Workforce office. The claimant was unable to successfully submit a weekly claim for the week ending February 7 on February 8. On Monday morning, February 8, the claimant contacted the Department and an additional claim was established as of February 8, 2015. The claimant requested benefits for the week ending February 7, 2015.

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). The claimant had a break in his weekly claims. This may be the reason he received an error message when he attempted to file a claim for the week ending February 7, 2015. The claimant established sufficient grounds to backdate his additional claim to February 1, 2015.

DECISION:

The representative's February 11, 2015 determination (reference 04) is reversed. The claimant's request to backdate his additional claim is granted. The effective date of the claimant's additional claim is February 1, not February 8, 2015.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs