

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSE R ESPINOZA
Claimant

APPEAL 18A-UI-01377-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/14/18
Claimant: Appellant (2)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the January 24, 2018, (reference 01) unemployment insurance decision that denied the request to backdate the claim for benefits prior to January 14, 2018. After due notice was issued, a hearing was scheduled to be held by telephone conference call on February 23, 2018. The information in the administrative record was sufficient to make a decision and no testimony was necessary. Therefore, no hearing was held.

ISSUE:

May the claim be backdated prior to January 14, 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of January 1, 2017, and an additional claim date effective December 31, 2017. He was not notified by the agency that his claim year expired on January 7, 2018. Claimant attempted to file his weekly continued claim for the one week ending January 13, 2018, and was unable to do so. Claimant went into his local office as soon as possible and was instructed his claim year expired. Claimant filed a new claim and requested that it be backdated by one week to January 7, 2018.

Claimant did not earn any wages or receive any vacation or holiday pay for the one week ending January 13, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to backdate the claim is granted.

Iowa Code section 96.6(1) provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Iowa Admin. Code r. 871-24.2(1)h(1) and (2) 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 files a claim for benefits.

(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:

1. The failure of the department to recognize the expiration of the claimant's previous benefit year;
2. The claimant filed an interstate claim against another state which has been determined as ineligible.

In this case, the department failed to notify claimant of the expiration of his claim year. He continued to attempt to file his continued weekly claim as directed until he was unable to do so because of the expiration of the claim year. Claimant promptly resolved the matter. Claimant has shown good cause to backdate the claim.

DECISION:

The January 24, 2018, (reference 01) unemployment insurance decision is reversed. The claimant's request to backdate the claim to January 7, 2018, is granted. Retroactive benefits for the one week ending January 13, 2018, should be paid. Claimant did not earn any wages or receive any vacation or holiday pay that week.

Christine A. Louis
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Decision Dated and Mailed

cal/scn