

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATTY A KNUDSEN**  
Claimant

**APPEAL NO. 07A-UI-05818-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/27/07 R: 01  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the June 5, 2007, reference 01, decision that denied the request to backdate the claim for benefits. After due notice was issued, a hearing was held on June 27, 2007. Claimant did participate.

**ISSUE:**

The issue is whether the claimant's request for backdating may be granted.

**FINDINGS OF FACT:**

The claimant filed a claim for benefits with an effective date of May 27, 2007. She requests the claim to be backdated to January 7, 2007. Ms. Knudsen had been off work since November 2006 due to a non-work related injury and was receiving insurance payments through a private plan through the employer in which she participated.

Ms. Knudsen feels her employer should have notified her that she could file for unemployment and possibly receive benefits in addition to her insurance payments. She had never asked her supervisor or the human resources representative about the possibility of filing for unemployment and had not contacted Iowa Workforce Development until May 2007, when she filed the current claim after she was separated from employment.

**REASONING AND CONCLUSIONS OF LAW:**

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

The claimant's argument that it was the employer's obligation to inform her she should file for unemployment benefits is unconvincing. An employer may not give false information to, nor threaten or discourage an employee from, filing for benefits. But not mentioning it to her while she was on sick leave does not constitute a good cause reason for having failed to file a claim during the first week of unemployment. Backdating is denied.

**DECISION:**

The representative's decision of June 5, 2007, reference 01, is affirmed. Patricia Knudsen's request to backdate her claim is denied.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw