

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JANET M GUTSCHENRITTER**  
Claimant

**APPEAL 15A-UI-08137-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/23/14  
Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the July 14, 2015, (reference 01) decision that denied the request to backdate the claim for benefits prior to July 5, 2015. After due notice was issued, a hearing was held by telephone conference call on August 20, 2015. Claimant participated.

**ISSUE:**

The issue is whether claimant can backdate the claim prior to July 5, 2015.

**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 November 23, 2014 and desires to backdate the reopening date of the claim to June 28, 2015. Claimant did not delay filing her claim for benefits. She went online on Sunday June 28 to reopen her claim. The employer had passed out written instructions from Iowa Workforce Development (IWD) to all employees on how to deal with the one-week shut down. She went to make her weekly continuing claim on July 5 and the system would not allow her to do so. She was paid \$128.80 in gross holiday wages.

**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 Admin. Code r. 871-24.2(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 followed the instructions given by her employer that came from IWD. For some reason there was a glitch in her claim. She was paid \$128.00 in holiday pay for the week ending July 5, 2015. She is entitled to have her reopening date backdated to June 28, 2015 and is entitled to unemployment insurance benefits for the week ending July 5, 2015.

**DECISION:**

The July 14, 2015, (reference 01) decision is reversed. The claimant's request to backdate the claim is granted. She shall be paid unemployment insurance benefits for the week ending July 5, 2015.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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