

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARK D ROSKY**  
Claimant

**APPEAL 17A-UI-06933-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/23/17**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Mark D. Rosky (claimant) filed a timely appeal from the June 29, 2017, reference 01, unemployment insurance decision that denied the request to backdate the claim for benefits prior to April 23, 2017. After due notice was issued, a hearing was held by telephone conference call on July 27, 2017. The claimant participated.

**ISSUE:**

May the claim be backdated prior to April 23, 2017?

**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 April 23, 2017, and desires to backdate the claim to April 17, 2017, the first week he was laid off. The claimant's prior claim year ended on April 16, 2017. The administrative record shows the claimant did not receive notice that his prior claim year was ending and he would need to open a new claim for benefits.

**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 § 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<sup>1</sup>:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(1) § 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.

IWD failed to send notice to the claimant that his prior claim year was ending, which is a good cause reason for the claimant's failure to file his new claim for benefits. Backdating is allowed.

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<sup>1</sup> This rule was amended effective July 12, 2017 and further limits the reasons for backdating a claim. However, the claimant made his request for backdating on June 28, 2017, before the amendments went into effect.

**DECISION:**

The June 29, 2017, reference 01, unemployment insurance decision is reversed. The claimant's request to backdate the claim to April 17, 2017, is granted, as are retroactive benefits for the same time period.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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