

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NEIL C HAMBLETON**  
Claimant

**APPEAL NO: 14A-UI-12915-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/22/13  
Claimant: Appellant (2)**

871 IAC 24.2(1)h – Backdate a Claim

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 9, 2014 decision (reference 01) that denied his request to backdate his claim prior to November 30, 2014. A decision dismissing the claimant appeal was issued on January 14, 2015. The claimant contacted the Appeals Bureau and requested that this matter be reopened. This matter was reopened and the initial decision was set aside. See Order for appeal 14A-UI-12915.

The claimant participated at a January 23, 2015 hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request to backdate his claim to November 23, 2014.

**ISSUE:**

Should the claimant's request to backdate his claim to November 23, 2014, be granted or denied?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of December 22, 2013. During the week of November 23, the claimant was told each day that he would work the next day, but this did not occur. On Thursday, Thanksgiving Day, the claimant then knew he would not work that week. He tried to file an additional claim on line but forgot his password and could not do anything on line.

The claimant had his children and could not get to his local Workforce office on Friday. The following week, the claimant returned to work and could not call because he works in at a nuclear facility and does not have cell phone reception. On December 5 or 6, the claimant took off work and went to his local Workforce office to file an additional claim. The claimant requested that his additional claim be backdated to November 23, 2014.

**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).

Since the claimant was told he would work during the week of November 23 and did not know he would not work until Thursday, November 27, the claimant established sufficient grounds to excuse the delay in filing his additional claim. The claimant's request to backdate his claim is granted.

**DECISION:**

The representative's December 9, 2014 determination (reference 01) is reversed. The claimant's request to backdate his claim to November 23, 2014, is granted.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs