

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICK J DUNNE**  
Claimant

**APPEAL NO. 17A-UI-12524-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 10/01/17**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated November 28, 2017, reference 01, which denied claimant's request to backdate a claim. After due notice, a telephone conference hearing was scheduled for and held on December 27, 2017. Claimant participated personally.

**ISSUE:**

The issue is whether the claim should be backdated.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant filed his original claim in this matter on October 1, 2017. Claimant works in the construction field and during the colder months works some times and is off other times. Claimant went back to work later in October and did not file weekly claims for a number of weeks. Claimant filed a claim for benefits with an effective date of November 26, 2017. Claimant had not reopened his claim during the week prior to filing his weekly claim. Claimant asserts that the claim should be backdated because instructions are not precise enough about the need to reopen a claim when someone has not filed for a number of weeks.

**REASONING AND CONCLUSIONS OF LAW:**

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

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 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.

(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 a 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.

Claimant's failure to follow proper procedures in reopening an idle claim prior to filing weekly claims is not considered a good cause reason for having failed to file a claim during the first week of unemployment. Backdating is denied.

**DECISION:**

The decision of the representative dated November 28, 2017, reference 01, is affirmed. Claimant's request to backdate the claim is denied.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn