

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DALE C BELIEU**  
Claimant

**APPEAL 17A-UI-03950-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/05/17  
Claimant: Appellant (1)**

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Iowa Admin. Code r. 871-24.2(1)h(1) & (2) – Backdating

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 29, 2017, (reference 03) unemployment insurance decision that denied the request to backdate the claim for benefits prior to March 19, 2017. After due notice was issued, a hearing was scheduled to be held by telephone conference call on May 3, 2017. Claimant participated. Official notice was taken of the administrative record, including claimant's benefit payment history and continued claim filing history, with no objection.

**ISSUE:**

May the claim be backdated prior to March 19, 2017?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of February 5, 2017, and an additional claim effective March 19, 2017, and wishes to backdate the claim to March 12, 2017.

Claimant is in an apprenticeship program. As part of claimant's apprenticeship program, he goes to school for one week approximately every six weeks. During claimant's one week of school, he files for unemployment insurance benefits. On the Monday morning of the week claimant is in school he is allowed to use the computer lab to reopen his claim for benefits. Claimant has had to reopen a claim for benefits on prior occasions.

On March 13, 2017, claimant started another one week of school. When claimant reported for school on March 13, 2017, he did not have his bank information with him to complete his reopening of his claim for benefits. Claimant could have reopened his claim for benefits and elected to have his unemployment insurance benefits deposited on a debit card, but he instead decided not to reopen his claim at this time. Instead, claimant decided to reopen his claim from home at a later time that week. Sometime during the week beginning March 12, 2017, claimant attempted to reopen his claim for benefits at home, but he had connective problems with his home computer and data entry problems with his phone (the numbers he entered would be entered backwards). Claimant's connective and phone problems were not related to the Iowa Workforce Development (IWD) website. Claimant then got busy and either forgot about

reopening his claim or when he remembered to reopen his claim it was not a convenient time. Claimant did not contact IWD when he was having problems.

On Monday, March 20, 2017, claimant reopened on his claim for benefits. Claimant then tried to file his weekly claim for benefits for the week ending March 18, 2017, but he was not successful.

**REASONING AND CONCLUSIONS OF LAW:**

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

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), (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 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.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 13 and 14:

**CLAIM EFFECTIVE DATE**

The effective date of all UI claims, regardless of filing method, will be the Sunday of the week in which the application was filed.

and

**REACTIVATING A CLAIM**

An individual can start and stop claiming weekly benefits as many times as necessary during the benefit year. This is called a break in reporting status. Any break in reporting requires the individual to file another initial claim application during the week he/she wants to start collecting benefits again. Any employment during the break must be reported.

The October 2016, *Unemployment Insurance Benefits Handbook*, provides in pertinent part at pages 19 and 20:

**Filing Weekly Claims**

**How to File**

After you file your initial claim, file weekly claims online at [iowaworkforcedevelopment.gov](http://iowaworkforcedevelopment.gov) for every week you are unemployed or your hours are reduced. You must file a weekly claim for any week that you want payment even if your eligibility is being decided or you have an appeal pending.

To request UI benefit payments during weeks of unemployment, individuals must certify they:

- are currently unemployed or working reduced hours
- are able to work and available for work
- have not refused any job offers or referrals to a job
- are actively looking for work (unless waived)
- are reporting any pay or pension payment

**When to File**

The current week is the week that just ended on Saturday. Individuals are strongly encouraged to file their weekly claims between the hours of 9:00 am Saturday through 11:30 pm Sunday. Failing to do so can potentially delay benefits.

**IMPORTANT:** You will receive confirmation that the claim has been processed successfully. If you don't receive confirmation, the process must be repeated until the claim has been successfully submitted.

Claimant had reopened his claim for benefits on prior occasions. Claimant had the opportunity to reopen his claim for benefits on March 13, 2017 from the computer lab where he was taking classes, but he did not want the benefits deposited on a debit card and he did not have his bank account information, so he elected to file his claim later. When claimant tried to reopen his claim later that week, he had computer and phone issues that were not a due to any IWD error. Claimant has failed to show a good cause reason for having failed to reopen and file his claim for benefits during the week beginning March 12, 2017. Backdating is denied.

**DECISION:**

The March 29, 2017, (reference 03) unemployment insurance decision is affirmed. Claimant's request to backdate the claim to March 12, 2017, is denied.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs