

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LINDSAY WILSON**  
Claimant

**APPEAL 17A-UI-11644-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 08/27/17  
Claimant: Appellant (5)**

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Iowa Admin. Code r. 871-24.2(1)g – Retroactive Benefits  
Iowa Admin. Code r. 871-24.2(1)h(1), (2) – Backdating

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 2, 2017, (reference 02), unemployment insurance decision that denied the request for retroactive benefits. After due notice was issued, a telephone conference hearing was scheduled for December 5, 2017. Claimant participated. Official notice was taken of the administrative record with no objection.

**ISSUE:**

May the claim be backdated prior to October 29, 2017?

Should the claimant's request for retroactive benefits be granted for the two-week period ending October 28, 2017?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant filed an original claim effective August 27, 2017, with a reopened claim on October 29, 2017, and desires to backdate the reopened claim to October 15, 2017. The department has not failed to recognize the expiration of the claimant's previous benefit year and there is not an interstate claim against another state which has been determined as ineligible.

On October 19, 2017, claimant attempted to file her weekly continued claim by online web application for the week-ending October 21, 2017. Claimant was unsuccessful in filing her weekly continued claim because her pin did not match. Claimant attempted to file her weekly continued claim again on October 20, 2017, but she received the same error message that her pin did not match. Claimant then called her local Iowa Workforce Development (IWD) in Council Bluffs and requested to speak to IWD employee Joel. Joel was not available and claimant left a message for him that she was having a problem filing her claim because her pin did not match. Claimant did not receive a response from Joel and she tried calling her local office three separate times, but no one answered and she left a message.

On October 22, 2017, claimant attempted to file her weekly continued claim for benefits for the week ending October 28, 2017, but she was unsuccessful. Claimant received the same error message that her pin number did not match.

On October 23, 2017, claimant called her local IWD office. Claimant informed the IWD employee that she was unable to file her weekly continued claim for the weeks ending October 21, 2017 and October 28, 2017. The IWD employee informed claimant that Joel was out of the office. Claimant then requested to speak to IWD employee Will. The IWD employee transferred claimant to Will's voicemail and she left Will a voicemail. Will did not return claimant's phone call.

On October 24, 2017, claimant called her local IWD office and she explained her situation. The IWD employee told claimant she would give Will her message. Claimant still did not get a return call from Will.

On October 25, 2017, claimant went to her local IWD office and spoke to Joel. Claimant explained her situation regarding her pin number and that she was unable to file her weekly continued claims. Joel instructed claimant to call the IWD office in Des Moines. Claimant then called the IWD office in Des Moines on October 25, 2017. Claimant explained everything that had been happening with her claim. Claimant provided the IWD employee information regarding the two-week period ending October 28, 2017. The IWD employee instructed claimant to reopen her claim and to change her pin number.

On October 31, 2017, claimant went back to her local IWD office and met with Will. Will informed claimant that her claims had not been entered for the two-week period ending October 28, 2017. Will then processed claimant's request for benefits the two-week period ending October 28, 2017.

#### **REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.6(1) provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

In order to be eligible for weekly benefits, the claimant must file an online web application continued claim or show good cause for the failure to do so to support a request for retroactive benefits. Iowa Admin. Code r. 871-24.2(1)g.

On October 1, 2017, a letter about weekly claim filing change information was sent to all claimants, whether the claim was active or not:

## Weekly Claim Filing Changes

Beginning with the week ending October 7, 2017, the first day of the week you can report a weekly claim is the Sunday starting at 8 a.m. after the prior week has ended. This means after October 7, 2017, **you can no longer file weekly claims on Saturday of any week.**

In addition, after October 7, 2017, weekly claims must be filed **Sunday** through **Friday** for the prior week only. This means you have six days to file the previous week's claim. See the chart below for the days available to file your weekly claim. Delay in filing your weekly claim could result in denial of benefits.

You are encouraged to start following the new claims filing process now so that you are used to the new schedule when the changes happen in October. For your convenience, you can file your weekly claim online using a mobile device or computer at [www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov).

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week 1						Last day of week 1 (no filing)
First day to file for week 1	File for week 1	File for week 1	File for week 1	File for week 1	Last day to file for week 1	Last day of week 2 (no filing)
First day to file for week 2	File for week 2	File for week 2	File for week 2	File for week 2	Last day to file for week 2	Last day of week 3 (no filing)
First day to file for week 3	File for week 3	File for week 3	File for week 3	File for week 3	Last day to file for week 3	Last day of week 4 (no filing)

Please see our Q & A at [www.iowaworkforcedevelopment.gov/unemployment-insurance-frequently-asked-questions](http://www.iowaworkforcedevelopment.gov/unemployment-insurance-frequently-asked-questions) for more information.

You can also contact Unemployment Insurance Customer Service for additional questions:

**Unemployment Insurance Customer Service**

Email: [uiclaimshelp@iwd.iowa.gov](mailto:uiclaimshelp@iwd.iowa.gov)

Website: [www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov)

Phone: 1-866-239-0843, Monday-Friday from 8 a.m. - 4:30 p.m.

The September 2017, version of the *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. The effective date of a claim will not be changed for applications that were not filed in a timely manner.

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 September 2017, version of the *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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start of UI claim week one						Last day of week one (no filing)
First day to file week one	File for week one	File for week one	File for week one	File for week one	Last day to file for week one	Last day of week two (no filing)
First day to file week two	File for week two	File for week two	File for week two	File for week two	Last day to file for week two	Last day of week three (no filing)
First day to file week three	File for week three	File for week three	File for week three	File for week three	Last day to file for week three	Last day of week four (no filing)

### When to File

The current week is the week that just ended on Saturday. Weekly claims must be filed 8 am Sunday through 5:30 pm Friday for the prior week only. This means individuals have six days to file the previous week's claim. See the chart above for the days available to file. Weekly claims can be filed online using a mobile device or computer at <https://uiclaims.iwd.iowa.gov/weeklyclaims/>.

Delay in filing your weekly claim could result in denial of 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.

Elsewhere in the September 2017, version of the handbook at page 8, contact information includes days and hours for filing a claim and weekly claim reporting:

#### File a Claim

Hours: Sunday through Friday, 8:00 am to 4:30 pm  
[www.iowaworkforcedevelopment.gov](http://www.iowaworkforcedevelopment.gov)  
<https://uiclaims.iwd.iowa.gov/UIInitialClaim/>

#### Weekly Claim Reporting

Hours: Sunday 8:00 am – 11:30 pm and Monday through Friday 8:00 am through 5:30 pm  
<https://uiclaims.iwd.iowa.gov/weeklyclaims/>

Iowa Admin. Code r. 871-24.2(1)h(1) and (2) 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.

Claimant filed an original claim effective August 27, 2017, with a reopened claim on October 29, 2017. Although the unemployment insurance decision dated November 2, 2017 (reference 02) that claimant appealed had denied her request for retroactive benefits for the two week period ending October 28, 2017, the crux of her appeal is a request to backdate her reopened claim for benefits to October 15, 2017. Before a decision can be made regarding whether her request for retroactive benefits should be granted, this administrative law judge (ALJ) has to determine whether her reopened claim can be backdated to October 15, 2017 and if so, then can her claim for retroactive benefits be granted. After an agency and legislative rulemaking process, effective July 12, 2017, Iowa Admin. Code r. 871-24.2(1)h(1) and (2) allows backdating for only two reasons: "1. The failure of the department to recognize the expiration of the claimant's previous benefit year; [or] 2. The claimant filed an interstate claim against another state which has been determined as ineligible." Iowa Admin. Code r. 871-24.2(1)h(1) and (2). Neither of those reasons applies in this case. Accordingly, the reopened claim cannot be backdated.

Because claimant's reopened claim cannot be backdated, her request for retroactive benefits for the two week period ending October 28, 2017 is moot.

**DECISION:**

The November 2, 2017, (reference 02) unemployment insurance decision is modified with no change in effect. Claimant's request to backdate the claim is denied. Claimant's request for retroactive benefits is denied.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs