

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTIE CHAUVIN
Claimant

APPEAL NO: 13A-UI-10646-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/08/13
Claimant: Appellant (2/R)

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

STATEMENT OF THE CASE:

Martie Chauvin (claimant) appealed an unemployment insurance decision dated September 16, 2013, reference 02, which denied her request to backdate her claim prior to September 8, 2013. Due notice was issued scheduling the matter for a telephone hearing to be held October 9, 2013. Because a decision fully favorable to the party could be made based on the administrative record, a hearing was deemed unnecessary. Claimant's Exhibits A and B were admitted into the record.

ISSUE:

The issue is whether the claimant's unemployment insurance claim should be backdated.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant worked through September 27, 2013. She went into her local Workforce office on August 28, 2013 and believed she filed a claim for unemployment benefits. She filled out paperwork before she worked on their computer to complete a resume and apply for jobs. The claimant had been told it would take a couple weeks before she would have a fact-finding interview but went into the local office again on September 10, 2013 since she had not heard anything. She learned no claim for benefits had actually been filed and a Workforce representative helped her file a claim with an effective date of September 8, 2013.

The claimant introduced a copy of her final earnings statement issued on September 6, 2013. She received wages in the amount of \$1,614.84 for the two-week pay period ending August 29, 2013 and vacation pay in the amount of \$2,197.03 for 103.06 hours. The employer did not designate the time period to which the vacation hours are to be applied.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant's request to backdate her claim should be granted. For the reasons that follow, the administrative law judge concludes the claimant's request to backdate her claim is granted.

A claim may be backdated prior to the first day of the calendar week in which the claimant does report and file a claim if she presents sufficient grounds to justify or excuse the delay. 871 IAC 24.2(1)h(2). The claimant established a justifiable cause for the delay in filing a claim effective August 25, 2013. She had gone to her local Workforce office and believed she had filed her claim on August 28, 2013.

DECISION:

The unemployment insurance decision dated September 16, 2013, reference 02, is reversed. The claimant's request to backdate her claim is granted. The case is remanded for further determination of the claimant's eligibility when considering her wages and vacation pay.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs