

WAC 192-610-040

Can an employee backdate an application or a weekly claim for benefits?

(1) Generally, paid family or medical leave benefits are payable on or after the date the employee applies for benefits. An application or weekly claim may be backdated for good cause or for the convenience of the department.

(2) For the purpose of this section:

(a)(i) "Good cause" means factors beyond the employee's control that prevented ~~an the~~ employee from applying for benefits ~~prior to or~~ at the time of need for paid leave. These factors include, but are not limited to, such as a serious health condition, a period of incapacity, or a natural disaster.

(ii) The ~~burden of proof is on the~~ employee ~~must~~ provide all ~~pertinent facts and evidence~~ necessary information and documentation to the department to determine good cause. The ~~evidence documentation~~ must show that the factors prevented the employee from applying for or claiming benefits when the qualifying event occurred ~~and any subsequent duration in which the employee did not apply for or claim benefits~~. This ~~documentation evidence~~ may include, but is not limited to, medical certification from a health care provider, evidence of a natural disaster, or other information required by the department.

(b) "For the convenience of the department" means for the purpose of program administration or situations when accepting timely applications or weekly claims was difficult or impossible. These include, but are not limited to, equipment breakdown or lack of available staff.

(3) An employee who wants to backdate an application or weekly claim must file for benefits during the first week in which the factors that constitute good cause no longer exist.