

unfair to deny him benefits for a time when he would otherwise be eligible. He asks this Court to order the Department to pay him benefits for the claimed twenty-seven weeks plus interest of twenty percent.

Our review of the Board's decision is deferential. 863 To Go, Inc. v. Dep't of Lab., 2014 VT 61, ¶ 8, 196 Vt. 551. We "generally defer to its interpretations of the statutes it is charged with administering, while mindful that they must be construed liberally in favor of claimants to compensate employees laid off involuntarily through no fault of their own." Blue v. Dep't of Lab., 2011 VT 84, ¶ 6, 190 Vt. 228 (quotation omitted). "Absent a clear showing to the contrary, any decisions within [the Board's] expertise are presumed to be correct, valid, and reasonable." Bouchard v. Dep't of Emp. & Training, 174 Vt. 588, 589 (2002) (mem.).

The Vermont unemployment insurance statute provides that "[c]laims for benefits shall be made in accordance with rules adopted by the Board." 21 V.S.A. § 1346(a). Under Board Rule 11, "[t]he effective date established for a new, additional, or reopened claim for benefits will be the Sunday immediately preceding the date the claim is filed." Rules of the Vermont Employment Security Board, Rule 11(A), Code of Vt. Rules 24 005 001, [hereinafter Board Rules] <http://www.lexisnexis.com/hottopics/codeofvtrules>; see also id. Rule 2(O) (defining "new claim" as "an application for the establishment of a benefit year, a determination of eligibility for benefits, and a determination of a weekly benefit amount"). "An individual's first week of total or partial unemployment . . . shall begin on the first day of the week in which the individual files a new, additional, or re-opened claim for benefits." Id. Rule 11(B). The rules further provide that claimants must file continued weekly claims for each week they are partially or totally unemployed to receive benefits. Id. Rule 11(D). Rule 11(D) states that, "[i]n order to establish eligibility for weeks of total or partial unemployment . . . the claimant shall, except for good cause, file a continued claim for benefits within six days of the week ending date being filed." The rule permits a continued claim to be backdated for good cause if the request is filed within thirteen days of the last day of the week being filed. Id. Rule 11(D)(1).

Here, it is undisputed that claimant did not file weekly claims for any of the periods for which he seeks benefits. After prevailing in his first appeal, he sought to backdate his claim to include seventeen weeks of partial or total unemployment that preceded his initial February 2021 claim and ten weeks afterward. The Board correctly concluded that claimant could not backdate his claim to include the weeks preceding his initial February 2021 claim, as nothing in the statute or the Board's rules authorizes the backdating of a claim prior to the establishment of a new claim. See Ramos v. Dep't of Lab., No. 2019-187, 2019 WL 6524657, at *2 (Vt. Dec. 2, 2019) (unpub. mem.) [<https://perma.cc/77RG-YU6R>]. As for the period from April to June 2021, claimant filed his backdating request in October 2021, more than thirteen days after the last day of each week in that period. It was therefore plainly untimely under Board Rule 11(D)(1), and the Board properly denied the claim on that basis.

Claimant asserts that he was never told by the Department that he had to keep filing weekly claims while his appeal was pending to be eligible for benefits during that period. However, as discussed above, the Board rules clearly require a claimant to file weekly claims for each week they are unemployed to receive benefits. Further, the Department's unemployment insurance claimant handbook expressly warns claimants that "[i]f you appeal your determination, make sure you continue to file weekly claim certifications each week you are unemployed until a decision on the appeal has been made. Failure to file weekly claim certification[s] may result in a loss of benefits for the weeks not filed for." See Vt. Dep't of Labor, Vt. Claimant Handbook at 18, https://labor.vermont.gov/sites/labor/files/doc_library/B-11Claimant%20handbook%202019.pdf, [<https://perma.cc/56WL-R6HG>]. Claimant acknowledged that he read this handbook,

which explicitly notified him of the steps he had to take to preserve his claims. We therefore see no reason to disturb the Board's decision. Because we affirm the decision below, claimant's motion for this Court to allow him to backdate his claims is denied.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

William D. Cohen, Associate Justice