

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROKEITA DURRAH
Claimant

APPEAL NO. 11A-UI-06453-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04-03-11
Claimant: Appellant (2)**

871 IAC 24.9(1)b - Timeliness of Challenge to Monetary Determinations

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 6, 2011, reference 01, decision which denied her request to change the number of dependents on her unemployment claim. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 7, 2011. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant filed a timely appeal to a monetary decision

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an original claim for job insurance benefits effective April 3, 2011, and a monetary determination was mailed to her April 4, 2011. The monetary determination advised her of her weekly and maximum benefit amounts, and listed that she had zero dependents. The claimant has two dependents and she reported this at the time she filed her initial claim. After receiving the monetary determination, she called Iowa Workforce Development to have her monetary determination corrected. She spoke with Workforce Representative Jane Becker, who said she would correct it, but it was not done.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant should be allowed to change her dependents from zero to two. A claimant may change the number of dependents on her unemployment insurance claim, provided that the request to change the number of dependents is completed within ten days after issuance of the monetary determination, in the absence of newly discovered facts. See 871 IAC 24.9(1)b. The administrative law judge concludes that the claimant's failure to file a timely request to change her dependents was due to Agency error or misinformation. The administrative law judge further concludes that the claimant's appeal to her monetary determination is therefore timely and her request to change the number of dependents on her claim from zero to two is granted.

DECISION:

The May 6, 2011, reference 01, decision is reversed. The claimant's appeal to her monetary determination is timely and her request to add dependents to her unemployment claim is granted. Her unemployment claim should be recalculated based on two dependents.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw