

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**CARLOS RAMIREZ**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 20A-UI-11738-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/02/20**  
**Claimant: Appellant (1)**

871 IAC 24.9 – Timeliness of Request to add Dependents  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the September 17, 2020, reference 03, decision that denied adding dependants. After due notice was issued, a hearing was held by telephone conference call on November 17, 2020. The claimant did participate. Interpretive services were provided by CTS Language Link.

**ISSUE:**

The issue is whether the appeal is timely and whether claimant's request to add dependents to this claim is timely.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A monetarily valid claim was filed on August 2, 2020. The initial determination was sent to claimant on August 4, 2020. This determination became final on August 15, 2020 as no appeal was posted. Claimant then filed a request to change his number of dependents on August 21, 2020. The claimant stated that he'd had a coworker help him with the documents as English is not his primary language. The coworker did not adequately explain the timeframes necessary to change the number of dependents.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6(2) provides:

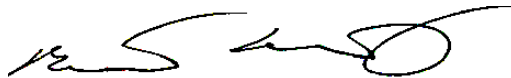
2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly

benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

871 IAC 24.9(1)(b) requires the an individual object to the monetary record within ten days of the date of the mailing of the monetary record. In this matter, claimant did not file an objection within ten days of the mailing of the monetary record. The claimant is not allowed to change his number of dependents, as his objection was not timely filed.

**DECISION:**

The September 17, 2020, reference 03, decision is affirmed. The request to add dependents was not timely, and the decision of the representative remains in effect.



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Blair A. Bennett  
Administrative Law Judge

November 23, 2020  
Decision Dated and Mailed

bab/scn