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

CARLOS PRERA
Claimant

**IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT**

APPEAL NO: 16A-UI-01364-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/13/15
Claimant: Appellant (2)

Section 96.6-2 – Timeliness of Appeal
871 IAC 24.9(1)b – Timely Monetary Determination

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated January 22, 2016 (reference 01) that set the number of dependents as two. After due notice was issued, a hearing was held by telephone conference call on February 26, 2016. The claimant did participate. Department's Exhibit D-1 was admitted to the record.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claimant for unemployment insurance benefits with an effective date of December 27, 2015. Within ten days, on January 5, 2016, he requested to add his wife, Astri Santos, as a dependent. Her date of birth is February 21, 1984. The workforce advisor told him documents would be sent to him and she would be added. On January 7, 2016, the claimant request that his claim be backdated to December 13, 2015. The claimant's claim was backdated to December 13, 2015 but his wife was not added as a dependent.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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, subsection 10, 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.

The claimant timely requested a change of dependents. Therefore, the appeal shall be accepted as timely. The claimant's wife shall be added to the claimant's dependents.

DECISION:

The representative's decision dated January 22, 2016 (reference 01) is reversed. The appeal shall be accepted as timely. The claimant's wife shall be added to the claimant's dependents.

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Beth A. Scheetz
Administrative Law Judge

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Decision Dated and Mailed

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