

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHEILA L HOBSON
Claimant

APPEAL 17A-UI-09219-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/06/17
Claimant: Appellant (1)

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(4)d(1) – Cancellation of Unemployment Insurance Claim
Iowa Admin. Code r. 871-24.2(4)c – Cancellation of Unemployment Insurance Claim

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 29, 2017, (reference 02), unemployment insurance decision that denied claimant's request to cancel the claim. After due notice was issued, a telephone conference hearing was scheduled to be held on September 27, 2017. Claimant participated.

ISSUE:

Should the request to cancel the claim with an effective date of August 6, 2017, be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits effective August 6, 2017, because she was suspended from work. At the time of the suspension, claimant did not believe she would be paid for the duration of the suspension and was unsure whether she would be allowed to return to work. A monetary determination was sent to claimant on August 15, 2017. Claimant received the monetary determination and was aware her claim was successfully filed and she was monetarily eligible for benefits. Claimant did not appeal the monetary determination. On August 21, 2017, claimant returned to work and learned she would be paid for the time she was suspended. On August 28, 2017, claimant contacted the agency and requested that her claim be cancelled as she was no longer seeking benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to cancel the claim for unemployment insurance benefits effective August 6, 2017, is denied.

Iowa Admin. Code r. 871-24.2(4)d provides:

Cancellation of unemployment insurance claim.

d. Other valid reasons for cancellation whether or not ten-day protest period has expired.

(1) The individual has an unexpired unemployment insurance claim in another state and is eligible for a remaining balance of benefits.

(2) The individual received erroneous information regarding entitlement or eligibility to unemployment insurance benefits from an employee of the department.

(3) The individual has an unexpired railroad unemployment insurance claim with a remaining benefit balance which was filed prior to the unemployment insurance claim.

(4) The individual exercises the option to cancel a combined wage claim within the ten days allowed by federal regulation.

(5) The individual has previously filed a military claim in another state or territory. Wages erroneously assigned to Iowa must be deleted and an interstate claim must be filed.

(6) Federal wages have previously been assigned to another state or territory or are assignable to another state or territory under federal regulation. Federal wages erroneously assigned to Iowa must be deleted and the appropriate type of claim filed.

(7) The Iowa wages are erroneous and are deleted and the wages from one other state were used, the claim shall be canceled and the wages returned to the transferring state.

Iowa Admin. Code r. 871-24.2(4)c provides:

Cancellation of unemployment insurance claim.

c. Cancellation requests within the ten-day protest period. The benefits bureau, upon review of the timely request and before payment is made, may cancel the claim for the following reasons:

(1) The individual found employment or returned to regular employment within the protest period.

(2) Cancellation would allow the individual to refile at the change of a calendar quarter to obtain an increase in the weekly or maximum benefit amount or the individual would receive more entitlement from another state.

(3) The individual filed a claim in good faith under the assumption of being separated and no actual separation occurred.

(4) The individual did not want to establish a benefit year because of eligibility for a low weekly or maximum benefit amount.

In this case, claimant did not request the claim be cancelled within ten days of receiving the monetary determination. Claimant did not present evidence that she meets any of the

requirements to cancel the claim outside of the ten-day protest period. Therefore, claimant's request to cancel the claim must be denied.

DECISION:

The August 29, 2017, (reference 02) unemployment insurance decision is affirmed. The claimant's request to cancel the claim for unemployment insurance benefits effective August 6, 2017, is denied.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

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