

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NOLAN L CARTER**  
Claimant

**APPEAL NO: 12A-UI-00727-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/20/11  
Claimant: Appellant (2/R)**

871 IAC 24.9(1)b – Addition of Dependents

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 28, 2011 determination (reference 01) that denied his request to add dependents to his claim. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request to add three dependents to his November 20, 2011 claim.

**ISSUE:**

Should the claimant's request to add dependents to his November 20, 2011 claim be granted?

**FINDINGS OF FACT:**

The claimant applied for unemployment insurance benefits on-line the week of November 20, 2011. When he was completing his on-line application, he marked that he had dependents to claim. Even though in earlier benefit years, he was required to name his dependents, the on-line application did not allow the claimant to do this. The claimant assumed the on-line application would pull in information about his dependents from his earlier claims.

The claimant received a green card (November 28, 2011 monetary determination) that informed him his maximum weekly benefit amount was \$385 and he had zero dependents. The claimant received this the first week of December. The claimant decided to wait until he received benefits to find out if the Department included his dependents.

The claimant's weekly benefits were automatically deposited into his bank account. The first checks were issued on December 8 and 12. When the claimant checked the amount deposited and the amount he should have received with three dependents, he knew that his dependents had not been added. The claimant did not know he had a deadline in which to correct the number of dependents on his claim.

On December 21, the claimant went to his local Workforce office. The local representative verified that on his on-line application he had indicated he had dependents. After learning the claimant flipped back and forth from the on-line application to information on how to complete the application, the representative informed the claimant that when a person flips back and forth between screens, the program does not work properly and did not allow him to add the required

information for adding dependents to his claim. The claimant made another request or a second request to add three dependents to his claim on December 21, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant may change the number of dependents on his unemployment insurance benefits provided that the request to change the number of dependents is completed within ten days of the monetary department being issued unless there are newly discovered facts. See 871 IAC 24.9(1)b.

The claimant had no idea flipping back and forth between the application and instructions when he completed an on-line application for benefits would prevent him from providing required information for three dependents. The claimant knew the program had not allowed him to add the names of his dependents. Since he had dependents in previous claim years, the claimant reasonably assumed the Department's computer program would automatically bring in the names of his dependents. Even after the claimant received the November 28 monetary determination or green card the first week of December, he assumed his dependents would be added when he received his weekly benefits.

The claimant's first benefit checks on this claim were automatically deposited into his checking account on December 8 and on December 12. The claimant did not know he had a time limit to correct the number of his dependents from zero to three. When the claimant talked to a representative on December 21, the representative verified the claimant indicated on his on-line application that he had reported he had dependents. Since the claimant marked on his application he had dependents and he had claimed dependents on earlier claim years, the claimant made a reasonable assumption that the Department would add his dependents on his new claim. Also, the claimant had no warning that flipping back and forth between on-line instructions and his application would prevent him from completing information he needed to provide to have three dependents included on his claim. After the Department learned the claimant experienced a problem with his on-line application and that he initially reported dependents, the claimant's second request on December 21 to add three dependents is granted. This matter will be remanded to the Claims Section to add three dependents to his claim and to pay him accordingly for three dependents as of November 20, 2011.

**DECISION:**

The representative's December 28, 2011 determination (reference 01) is reversed. Since the claimant made a request for dependents when he applied for benefits the week of November 20, 2011, his December 21, 2011 or second request to add dependents is granted. This matter is **Remanded** to the Claims Section to add three dependents to the claimant's current benefit year and to pay him accordingly for three dependents as of November 20, 2011.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css