

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTIN A PAPER

Claimant

APPEAL NO. 19A-UI-06919-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/14/19

Claimant: Appellant (1)

871 IAC 24.2(4)c – Cancellation of Unemployment Insurance Claim

871 IAC 24.9(1)b – Monetary Determinations

Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant appealed a representative's August 20, 2019, decision (reference 03) that concluded he had not filed a timely request to cancel his unemployment insurance claim. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was scheduled for September 18, 2019. The claimant participated in the hearing. Exhibit D-1 was admitted into evidence.

ISSUE:

The issue is whether claimant's request to cancel his unemployment insurance claim should be granted.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: On July 14, 2018, the claimant filed a monetarily valid claim for benefits. The claimant received the determination but did not file an appeal asking to cancel his claim within ten days. On August 27, 2019, the claimant requested that his claim be canceled because he did not intend for his employer's account to be charged.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's claim cannot be cancelled.

871 IAC 24.9(1)b Monetary determinations.

The monetary record shall constitute a final decision unless newly discovered facts which affect the validity of the original determination or a written request for reconsideration is filed by the

individual within ten days of the date of the mailing of the monetary record specifying the grounds of objection to the monetary record.

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.

The Iowa Administrative Code sets forth a strict set of standards under which a claimant's claim may be cancelled. In reviewing those standards, the administrative law judge concludes that failure to file a timely request to cancel his claim was not due to any Agency error or misinformation or delay or other action of the United States Postal Service. While FEMA may have given the claimant erroneous information, that federal agency is not one covered by Iowa law when looking for misinformation that will allow a claim to be cancelled. The administrative law judge further concludes that the request to cancel was not timely. Consequently, the claimant's request to cancel his claim must be denied.

DECISION:

The representative's August 20, 2019, decision (reference 03) is affirmed. The claimant's request to cancel his claim is denied.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn