Iowa Workforce Development
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
Decision Of The Administrative Law Judge
68-0157 (7-97) – 3091078 - EI

JULIE A DELANEY
23477 BELLEVUE-CASCADE RD
LA MOTTE IA 52054

IOWA WORKFORCE
** DEVELOPMENT DEPARTMENT**

Appeal Number:	**04A-UI-00448-AT**
OC: 02/02/03	**R: 04**

Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4th Floor— Lucas Building, Des Moines, Iowa 50319***.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY
1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

_____
(Administrative Law Judge)

_____
(Decision Dated & Mailed)

871 IAC 24.9(1)b – Correction of Monetary Determination

STATEMENT OF THE CASE:

Julie A. Delaney filed a timely appeal from an unemployment insurance decision dated January 4, 2004, reference 03, which denied her request to add an additional dependent on her claim for unemployment insurance benefits filed effective February 2, 2003. After due notice was issued, a telephone hearing was held on February 4, 2004 with Ms. Delaney participating. The administrative law judge takes official notice of filing instructions and definitions on the Agency's website.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Julie A. Delaney filed her original claim for unemployment insurance benefits online during the week of February 2, 2003. Before filing, she received written instructions from an Agency representative. The Agency's website defines those individuals who may be claimed as dependents for unemployment insurance purposes. The definition includes a spouse who earned less than $120.00 in wages during the week prior to the filing of the claimant's original claim but who does not have a personal unemployment insurance claim on record. Ms. Delaney did not claim her spouse as a dependent although she could have done so. Ms. Delaney received the monetary determination showing the computation of her benefits. She did not request to add her husband as a dependent until December 2003 when she learned from a friend that she could have claimed her husband as a dependent.

REASONING AND CONCLUSIONS OF LAW:

The question is whether it is appropriate under the facts of this case to allow Ms. Delaney to add her husband as a dependent. The administrative law judge concludes that it is not appropriate to do so.

A rule filed at 871 IAC 24.9(1)b gives an individual ten days from the mailing of the monetary determination to request any changes. Ms. Delaney's request was untimely. The administrative law judge notes that although Ms. Delaney does not recall receiving the booklet facts about unemployment insurance, the information on claiming dependents was available to her online at the time that she filed her original claim.

DECISION:

The unemployment insurance decision dated January 4, 2004, reference 03 is affirmed. The claimant's request to add her husband as a dependent on her claim for unemployment insurance benefits effective February 2, 2003, is denied as being untimely.

kjf/b