

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SANDRA A JORDAN
Claimant

APPEAL 15A-UI-05798-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/29/15
Claimant: Appellant (1)**

871 IAC 24.2(4)d(1) – Cancellation of Unemployment Insurance Claim

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 4, 2015, (reference 04), unemployment insurance decision that denied benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on June 29, 2015. Claimant participated. Official notice was taken of agency records.

ISSUES:

Did the claimant make a timely request to cancel her unemployment insurance claim?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim with an effective date of March 29, 2015. She did not request to cancel her claim until April 23, 2015 as is evidence by the agency KLOG records. Her first written notification to anyone at the agency was dated on April 13, but was received by the agency on April 23, 2015. When the claimant filed her claim with an effective date of March 29, 2015, she did not know that if she waited one more week for the quarter to change her weekly benefit amount would go up. She did not file her request to cancel her claim until April 23, 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to cancel the Iowa claim for unemployment insurance benefits effective March 29, 2015 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 claims section, 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.

Because the claimant did not receive erroneous advice and filed benefit claims for three weeks without objection to the claim was not a good cause reason to excuse the late request to cancel the claim. The request to cancel the claim is denied.

DECISION:

The May 4, 2015, reference 04 decision is affirmed. The claimant's request to cancel the Iowa claim for unemployment insurance benefits effective March 29, 2015 is denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs