

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL P COX
Claimant

APPEAL NO. 07A-UI-01508-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/31/06 R: 01
Claimant: Appellant (2)**

Section 96.3-4 – Computation of Benefits

STATEMENT OF THE CASE:

Michael P. Cox filed a timely appeal from an unemployment insurance decision dated January 30, 2007, reference 02, that denied his request to add an additional dependent to his unemployment insurance claim. With the consent of the claimant, a telephone hearing was held February 21, 2007. Mr. Cox participated on his own behalf.

ISSUE:

Is the claimant entitled to two dependents for his unemployment insurance claim filed effective December 31, 2006.

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: Michael P. Cox is the father of Cade Cox and Megan Cox, and claimed each of them as dependents for his income tax returns for 2006. Their mother is not currently claiming them as dependents for unemployment insurance purposes.

Mr. Cox filed his original claim for unemployment insurance benefits on line at the Council Bluffs Workforce Development Center. Inadvertently, he indicated he desired to claim only one dependent. When he pointed out the oversight to a staff person, he was advised to wait until after the employer protest of his claim had been resolved. He did so, but was then told that it was too late to change the number of dependents.

REASONING AND CONCLUSIONS OF LAW:

The question is whether it is appropriate under the facts of this case to allow an additional dependent for the claimant's December 31, 2006 benefit year. It is.

Whether Mr. Cox received misinformation or misunderstood the information given to him is of no consequence. The fact is that he acted in good faith and reasonably believed that he was told to wait beyond the normal period for making changes to his monetary claim. The evidence also establishes that Mr. Cox is entitled to two dependents, each of his two children.

DECISION:

The unemployment insurance decision dated January 30, 2007, reference 02, is reversed. The claimant is entitled to two dependents for his unemployment insurance benefit year effective December 31, 2006. The Agency shall recompute Mr. Cox's weekly and maximum benefit amounts in accordance with this decision.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

css/css