

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELAINE IRVIN
Claimant

APPEAL NO: 10A-UI-14786-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/06/10
Claimant: Appellant (1)

871 IAC 24.38(3) – Cancellation of Combined Wage Claim

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 21, 2010 determination (reference 04) that denied her request to withdraw her combined-wage claim. The claimant participated in a phone hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant's request to withdraw her combined-wage claims should be denied.

ISSUE:

Should the claimant be allowed to cancel her combined wage claim she established during the week of June 6, 2010?

FINDINGS OF FACT:

In early June 2010 upon the advice of a local Workforce representative the claimant established a combined wage claim in Iowa with an effective date of June 6, 2010. At the time, the claimant informed the representative she also had a claim in Texas. The claimant understood it would be all right to establish a claim in Iowa because Texas was waiting for information about the claimant's Emergency Unemployment Compensation benefits. As a result of trying to determine where the claimant was eligible to receive benefits, it was not until August 6, 2010, that she received a monetary determination from Iowa showing her weekly and maximum benefit amount after combining her wages from other states.

On October 19, 2010, the claimant asked to cancel her Iowa claim. The claimant believed she had received incorrect information from Iowa about her combined wage claim.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.38(3) provides:

The claimant will be told that if there was a previous election to file a combined wage claim, the claimant **may withdraw** the combined wage claim any time, up to the date the **paying state's monetary determination becomes final**. However, if the claimant withdraws a combined wage claim and benefits have been paid, the claimant will be

required to repay any such benefits. This repayment may be done by cash or by an authorization to the state(s) from which such claimant next claims benefits to reimburse the combined wage paying state for any benefits which said claimant will be paid.

The August 6, 2010 monetary determination became final on August 16, 2010. The claimant did not make a request to withdraw her combined wage claim until October 19, 2010. The claimant's request to withdraw her June 6, 2010 combined wage claim is denied because she did not make a timely request.

Based upon information in the administrative record, the claimant initially established a claim in Texas during the week of September 6, 2009. The claimant did not know or understand that she exhausted her regular benefits in Texas during the weeks ending January 30, 2010. Texas erroneously paid her Emergency Unemployment Compensation benefits until June 6, 2010. Since June 6, Texas has determined the claimant was not legally entitled to receive Emergency Unemployment Compensation benefits from Texas because she was monetarily eligible on a combined wage claim to receive regular benefits from Iowa as of June 6 or January 31, 2010. (If the alternate base period statute is used, the claimant is monetarily eligible to receive benefits from Iowa as of January 31, 2010.) Based on this information, the claimant received the correct information from Iowa representatives.

DECISION:

The representative's October 21, 2010 determination (reference 04) is affirmed. The claimant's request to cancel her Iowa combined wage claim that was established during the week of June 6, 2010 is denied.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs