

**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**

**CHARLES M ABBOTT  
1321 – 290<sup>TH</sup> ST  
STRATFORD IA 50249**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-08363-HT  
OC: 07/24/05 R: 01  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.9(1)b – Monetary Determination

STATEMENT OF THE CASE:

The claimant, Charles Abbott, filed an appeal from a decision dated August 4, 2005, reference 002. The decision denied his request to cancel his claim for unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on August 30, 2005. The claimant participated on his own behalf and was represented by Attorney Colin Murphy.

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: Charles Abbot filed an initial claim for unemployment benefits with an effective date of July 25, 2004. He received a monetary determination after

filing the claim as well as a decision dated August 16, 2004, stating he would not be eligible for benefits for 14 weeks due to the receipt of severance pay. Both of these documents indicate the original claim date as July 25, 2004.

On May 8, 2005, he reopened his claim and received benefits through July 23, 2005. Iowa Workforce Development sent him a notice that his claim was due to expire and he went to the Workforce Center in Fort Dodge, Iowa, to discuss the matter. He wanted to make the effective date of his claim May 8, 2005, rather than July 25, 2004, as he had not really intended to file a claim in 2004. Apparently he hoped to be reinstated in his former position.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claim of July 25, 2004, may be cancelled. The judge concludes it may not. IAC 24.9(1)b states that a monetary determination "shall constitute a final decision" unless a request for reconsideration is filed by the individual within ten days of the date of the mailing of the monetary record. Mr. Abbott received the monetary determination in July or August of 2004 and did not request any reconsideration or that his claim be cancelled. The request to cancel the prior claim came a year after it was filed and is therefore not timely.

#### DECISION:

The representative's decision of August 4, 2005, reference 02, is affirmed. The claimant's request to cancel the claim effective July 25, 2004, is denied.

bgh/kjw