

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHRYN A KINLEY
Claimant

APPEAL NO. 07A-UI-03103-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/24/06 R: 02
Claimant: Appellant (2R)**

871 IAC 24.9(1)B – Cancellation of Claim

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 21, 2007, reference 01, which held claimant ineligible to cancel a claim for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 26, 2007. Claimant participated personally. Exhibits A and B were admitted into evidence.

ISSUE:

The issue in this matter is whether the claim should be cancelled.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant filed a claim effective September 24, 2006. Claimant was sent notice by Workforce Development of the weekly benefit rate, \$139.00. Claimant returned to Workforce Development to add a dependent and cancel the claim so as to have an original claim date of October 1, 2006 with a weekly benefit rate of \$219.00. Claimant filed the request to cancel the claim October 4, 2006 within the ten-day statutory period. Claimant would receive a higher benefit rate if the claim were cancelled, \$219.00. Workforce Development failed to recognize the need to cancel the claim and took the request as a backdating.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.9(1)b

Monetary Determinations:

b. The monetary record shall constitute a final decision unless newly discovered facts which affect the validity of the original determination or a written request for reconsideration is filed by the individual within ten days of the date of the mailing of the monetary record specifying the grounds of objection to the monetary record.

The administrative law judge holds claimant eligible to cancel the claim. Claimant filed her request for additional dependent and to cancel the claim within ten days as required by statute. Claimant's request to cancel the claim is timely. Claimant's request is granted. The claim is cancelled. The new original claim date shall be October 1, 2006 with one additional dependent and a rate of \$219.00 per week.

DECISION:

The decision of the representative dated March 21, 2007, reference 01, is reversed and remanded to the claims section. Claimant's request to cancel the claim effective September 24, 2006 is granted. The new original claim date shall be October 1, 2006 with one additional dependent and a rate of \$219.00 per week.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs