

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT BEDNARSKI**  
Claimant

**APPEAL NO: 10A-UI-17404-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/12/10  
Claimant: Appellant (1)**

871 IAC 24.2(4) - Cancellation of Unemployment Insurance Claim  
871 IAC 24.38(3) - Combined Wage Claim

**STATEMENT OF THE CASE:**

Robert Bednarski (claimant) appealed an unemployment insurance decision dated December 14, 2010, reference 02, which denied his request to cancel his combined wage claim. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on Saturday January 29, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant should be allowed to cancel his combined wage claim?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: On September 12, 2010, the claimant filed a monetarily valid claim for benefits. The claimant received the monetary determination on September 30, 2010 but did not file an appeal within ten days. On December 20, 2010, the claimant requested that his claim be canceled.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to cancel his claim for unemployment insurance benefits effective September 12, 2010 is denied.

871 IAC 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.

871 IAC 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.

Inasmuch as the claimant failed to make a timely request to cancel his claim, the request is denied.

**DECISION:**

The unemployment insurance decision dated December 14, 2010, reference 02, is affirmed. The claimant's request to cancel his claim is denied.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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