

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RAEANN L HERRICK**  
Claimant

**APPEAL NO. 10A-UI-06712-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/21/10**  
**Claimant: Appellant (2)**

871 IAC 24.2(4)c – Cancellation of Unemployment Insurance Claim  
871 IAC 24.9(1)b – Monetary Determinations  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

Raeann Herrick (claimant) appealed a representative's April 30, 2010 decision (reference 02) that concluded she had not filed a timely request to cancel his unemployment insurance claim. After hearing notices were mailed to the claimant's last-known address of record, a telephone hearing was scheduled for June 28, 2010. The claimant participated personally. Exhibit D-1 was admitted into evidence.

**ISSUE:**

The issue is whether claimant's request to cancel her unemployment insurance claim should be granted.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a monetarily valid claim for benefits effective March 21, 2010. On March 25, 2010, a monetary record was mailed to the claimant. On April 12, 2010, the claimant requested that her claim be canceled. The claimant asserts she was not given correct information from a worker regarding the proper time to file.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant is allowed to cancel her claim.

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.

871 IAC 24.9(1)b Monetary determinations.

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 concludes that failure to file a timely request to cancel her claim was due to Agency error. The administrative law judge further concludes that the request to cancel was timely. The claimant's request to cancel his claim is allowed.

**DECISION:**

The representative's April 30, 2010 decision (reference 02) is reversed. The claimant's request to cancel her claim is allowed.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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