

**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**

**ANGENNETTE N NATHAN  
2707 N PINE APT 4  
DAVENPORT IA 52804**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 04A-UI-07637-H2T  
OC: 05-16-04 R: 04  
Claimant: Appellant (2)**

**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, 4th 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 – Correction of Monetary Determination

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 11, 2004, reference 02, decision that found the claimant's request to add an additional dependent on her claim for unemployment insurance benefits filed effective May 16, 2004. After due notice was issued, a hearing was held on August 6, 2004. The claimant did participate.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed her claim for benefits effective May 16, 2004. She called the Agency on May 30, 2004 to indicate that her dependents were not listed correctly. At that time, the two dependents were added for the claimant. The claimant contends that three dependents should have been

added, one each for Isaiah Foster, Skyler Foucher-Keeton and James Rogers. The claimant claims all three children as dependents on her tax returns. A representative decision was mailed to the claimant denying her request to add a third dependent as untimely. The representative's decision does not list an apartment number for the claimant. Due to the failure of the representative's decision to correctly indicate the claimant's address, the claimant did not receive the decision in a timely manner and her appeal was after the time period prescribed in the representative's decision.

#### REASONINGS AND CONCLUSIONS OF LAW:

The question is whether it is appropriate under the facts of this case to allow the claimant to add another child as a dependent. The administrative law judge concludes that it is appropriate to do so.

871 IAC 24.9(1)b gives an individual ten days from the mailing of the monetary determination to request any changes. The claimant called the Agency prior to the expiration of the ten days to report that her dependents were not listed correctly. The claimant called on approximately May 30, 2004 and at that time two dependents were added to her claim. The claimant's allegation that three dependents should have been added at that time is accepted as persuasive.

Since the representative's decision did not contain the claimant's complete correct address, her delay in filing her appeal was due to Agency error and her appeal is considered timely.

#### DECISION:

The June 11, 2004, reference 02, decision is reversed. The claimant's request to add a third dependent on her claim for unemployment insurance benefits is approved.

tkh/kjf