

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ADAM O LOREN**  
Claimant

**APPEAL NO: 09A-UI-15085-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/28/08  
Claimant: Appellant (1)**

871 IAC 24.2(4) – Cancellation of Claim

**STATEMENT OF THE CASE:**

Adam O. Loren (claimant) made a request dated October 7, 2009 that his claim effective December 28, 2008 be cancelled. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held on November 9, 2009. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Should the claimant's December 28, 2008 claim be cancelled?

**FINDINGS OF FACT:**

The claimant established an unemployment insurance benefit year effective December 28, 2008 due to a reduction of hours with his then-employer, Fisher Controls International. An on-line monetary determination was mailed to the claimant on December 31, 2008 identifying Fisher Controls as his last employer and indicating a weekly benefit amount of \$87.00. A notice of the claim was sent to Fisher Controls on January 2, 2009, providing for a January 12, 2009 deadline for response.

The claimant did not file any weekly claims on his claim until the week ending October 10, 2009, after reopening his claim with an additional claim effective October 4. He had not filed any prior weekly claims as he was receiving enough hours with Fisher Controls in January and months thereafter not to be eligible for any residual partial unemployment insurance benefits. However, he also had not acted to cancel his claim in January 2009. His reason for not cancelling his claim at that time was lack of knowledge regarding the unemployment insurance system and laws.

Upon reopening his claim effective October 4 upon at least a temporary separation from Fisher Controls the claimant learned that his weekly benefit amount on a new claim would have been higher than it had been on the December 28, 2008 claim since he had additional quarters of

wage credits. As a result, on October 7, 2009 he submitted his request that his December 28 claim be cancelled so that he could establish a new claim effective October 4.

**REASONING AND CONCLUSIONS OF LAW:**

An unemployment insurance claim can be cancelled by a claimant under certain circumstances. Rule 871 IAC 24.2(4)c provides that a claim can be cancelled within the ten-day protest period (here ending January 12, 2009) for any of 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.

While several of these reasons might apply to the claimant's situation, he did not make his request to cancel his claim by January 12, 2009.

Rule 871 IAC 24.2(4)d provides that a claim can be cancelled by a claimant "whether or not ten-day protest period has expired" if any of the following apply:

- (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.

None of these criteria apply to the claimant's situation. Lack of knowledge with regard to the unemployment insurance system or law is not a ground for waiving the time deadline for the more discretionary cancellation of a claim by a claimant. The claimant's October 7, 2009 request for cancellation of the December 28, 2008 claim is denied. He will still be eligible to establish a second benefit year upon expiration of his current benefit year as of December 27, 2009, if he is then otherwise eligible.

**DECISION:**

The claimant's October 7, 2009 request for cancellation of his December 28, 2008 claim is denied.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs