

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLARD ALLISON
Claimant

APPEAL NO: 11A-UI-14296-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/04/11
Claimant: Appellant (2/R)

871 IAC 24.9(1)b - Timeliness of Challenge to Monetary Determinations

STATEMENT OF THE CASE:

Willard Allison (claimant) appealed an unemployment insurance decision dated October 20, 2011, reference 06, which denied his request to change the number of dependents on his unemployment claim. Due notice was issued scheduling the matter for a telephone hearing to be held November 29, 2011. Because a decision fully favorable to the party could be made based on the record as it stood, a hearing was deemed unnecessary. Based on the evidence 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 filed a timely appeal to a monetary decision?

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: On October 4, 2010, the claimant filed a monetarily valid claim effective September 4, 2011. UISC Employee Susan Boxx provided documentation that she made an error and failed to enter the claimant's two dependents on his claim. The claimant did not file a timely appeal as Ms. Boxx advised him she had taken care of it.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant's appeal from the monetary decision is timely. For the following reasons, the claimant's appeal is found timely.

Workforce Development rule 871 IAC 24.9(1)(a) and (b) provide as follows:

Determination of benefit rights.

24.9(1) Monetary determinations.

a. When an initial claim for benefits is filed, the department shall mail to the individual claiming benefits a Form 65–5318, Iowa Monetary Record, which is a statement of the individual's weekly benefit amount, total benefits, base period wages, and other data pertinent to the individual's benefit rights.

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 weight of the evidence indicates that an Iowa Workforce representative erred in not adding the claimant's two dependents. The claimant did not challenge the monetary determination issued on October 4, 2010 because he had been told the error had been amended. Consequently, the claimant's discovery that the error had not been corrected is newly discovered facts and his appeal is found timely. The claimant is entitled to claim two dependents on his unemployment insurance claim effective September 4, 2011.

DECISION:

The unemployment insurance decision dated October 20, 2011, reference 06, is reversed. The claimant's request for amendment of the monetary claim to reflect two dependents and the resulting modification to his weekly benefit amount is allowed. The matter is remanded to the Claims Section for issuance of a new corrected monetary determination consistent with this decision.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css