

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID D HOMOLKA
Claimant

APPEAL NO. 14A-UI-12436-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/07/14
Claimant: Appellant (1)

871 IAC 24.2(4)C – Cancellation of Claim

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 20, 2014, reference 03, which held claimant ineligible to cancel a claim for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 30, 2014. Claimant participated personally.

ISSUE:

The issue in this matter is whether the claim should be cancelled?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant filed a claim effective September 7, 2014. Claimant was sent notice by Workforce Development of the weekly benefit rate. Claimant was unable to collect unemployment at that time because he was able to return to work, and he chose not to file a claim for the time he was off work. Claimant did not file his request to cancel the claim until November 18, 2014. Claimant would receive a higher benefit rate if the claim were cancelled.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-24.2(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.

The administrative law judge holds claimant not eligible to cancel the claim. Claimant had ten days to cancel the claim but waited almost two months to do so. Claimant's request to cancel the claim is untimely. Claimant's request is denied.

DECISION:

The decision of the representative dated November 20, 2014, reference 03, is affirmed. Claimant's request to cancel the claim effective September 7, 2014 is denied.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/css