

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRIS L STUMME
Claimant

APPEAL NO. 10A-UI-01306-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 12-20-09
Claimant: Appellant (2)**

871 IAC 24.2(4)d(1) – Cancellation of Unemployment Insurance Claim

STATEMENT OF THE CASE:

Claimant made a request dated January 22, 2010 that his claim effective December 20, 2009 be cancelled. After due notice was issued, a hearing was held on March 4, 2010. Claimant did participate.

ISSUE:

Can the claimant's claim for unemployment insurance benefits effective December 20, 2009 be cancelled and reestablished with an effective date of January 10, 2010?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of December 20, 2009. He was told by a local workforce development employee that his weekly benefit amount would be \$357.00 with a maximum benefit amount of \$5,944.18. Instead, after his claim was processed, he learned that his weekly benefit amount would be \$288.00 and his maximum benefit amount would be \$4,682.98. The claimant was given incorrect information by his local office. He would have received the greater weekly benefit amount if he had been told to wait until January 2010 to file his claim.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to cancel his claim for unemployment insurance benefits effective December 20, 2009 is granted.

871 IAC 24.2(4)d provides:

Cancellation of unemployment insurance claim.

d. Other valid reasons for cancellation whether or not ten-day protest period has expired.

- (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.

Because the claimant was given inaccurate information about his weekly benefit amount and his maximum benefit allowance from a local employee, his request to cancel his claim is granted.

DECISION:

The claimant's January 22, 2010 request to cancel his claim is granted. The claimant's request to have his claim dated on January 10, 2010 is granted.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw