

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA A COCHRAN
Claimant

APPEAL 18A-UI-10067-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/06/18
Claimant: Appellant (1)**

Iowa Code § 96.6(1) – Filing Claims
Iowa Admin. Code r. 871-24.2(4) – Cancellation of Unemployment Insurance Claim

STATEMENT OF THE CASE:

Lisa A. Cochran (claimant) filed an appeal from the September 27, 2018, reference 01, unemployment insurance decision that denied the request to cancel the claim. After due notice was issued, a telephone conference hearing was held on October 22, 2018. The claimant participated. No exhibits were offered into the record.

ISSUE:

Should the request to cancel the claim with an effective date of May 6, 2018 be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits effective May 6, 2018. She filed as she did not know how long she would be unemployed. The claimant was able to find a new job the same week. She contacted her local Iowa Workforce Development (IWD) office and notified it she had accepted work to ensure her claim would not pay out. The representative explained to the claimant that her claim would not pay out and IWD would have received notice that she had accepted work. The claimant did not specifically request to cancel her claim, did not contact the Benefits Bureau to request to cancel her claim, and did not follow-up when she did not receive notice that her claim had been cancelled.

The claimant reactivated her claim on September 2, 2018 as she was again separated from employment. The claimant has filed weekly continued claims and received benefits for each week from September 2 through October 20, 2018. She received her first physical payment on or about September 17, 2018. On September 27, 2018, the claimant contacted IWD and requested to cancel her claim from May 6, 2018 because she would be eligible for more benefits if her claim was effective September 2, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to cancel the claim for unemployment insurance benefits effective May 6, 2018 is denied.

Iowa Code section 96.6(1) provides:

Filing – determination – appeal.

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

Iowa Admin. Code r. 871-24.2(4) provides, in relevant part:

Procedures for workers desiring to file a claim for benefits for unemployment insurance.

(4) Cancellation of unemployment insurance claim.

a. A request for cancellation of an unemployment insurance claim may be made by the individual and be directed to the benefits bureau of the unemployment insurance services division. The statement must include the specific reason for the request and contain as much pertinent information as possible so that a decision can be made. A notice with the result of the request will be sent.

...

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.

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.

The claimant made the request to cancel her May 6, 2018 claim for unemployment insurance benefits to the Benefits Bureau on September 27, 2018 because she would receive more benefits if her effective date was September 2, 2018. The claimant's request was after the ten-day protest period and after benefits had already been paid on the claim. The claimant's request to cancel her claim for benefits is denied.

DECISION:

The September 27, 2018, reference 01, unemployment insurance decision is affirmed. The claimant's request to cancel the claim for unemployment insurance benefits effective May 6, 2018 is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn