

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM R VANDERNAALD
Claimant

APPEAL NO. 09A-UI-06153-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 04/05/09
Claimant: Appellant (1)**

Section 93.5-4 – Determination of Benefits

STATEMENT OF THE CASE:

William Vandernaald (claimant) appealed his monetary record dated April 9, 2009 (reference 01) that concluded he was not eligible to receive unemployment insurance benefits. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was held on May 18, 2009. The claimant participated personally.

ISSUE:

The issue is whether the claimant's monetary record is correct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of April 5, 2009. The claimant's base period of employment includes the first quarter of 2008 through the fourth quarter of 2008. The claimant earned \$959.00 in the third quarter of 2008, and \$8,831.00 in the fourth quarter of 2008.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's monetary record is correct.

Iowa Code section 96.3-4 provides:

4. Determination of benefits. With respect to benefit years beginning on or after July 1, 1983, an eligible individual's weekly benefit amount for a week of total unemployment shall be an amount equal to the following fractions of the individual's total wages in insured work paid during that quarter of the individual's base period in which such total wages were highest; the director shall determine annually a maximum weekly benefit amount equal to the following percentages, to vary with the number of dependents, of the statewide average weekly wage paid to employees in insured work which shall be effective the first day of the first full week in July:

If the number of dependents is:	The weekly benefit amount shall equal the following fraction of high quarter wages:	Subject to the following maximum percentage of the statewide average weekly wage.
0	1/23	53%
1	1/22	55%
2	1/21	57%
3	1/20	60%
4 or more	1/19	65%

The maximum weekly benefit amount, if not a multiple of one dollar shall be rounded to the lower multiple of one dollar. However, until such time as sixty-five percent of the statewide average weekly wage exceeds one hundred ninety dollars, the maximum weekly benefit amounts shall be determined using the statewide average weekly wage computed on the basis of wages reported for calendar year 1981. As used in this section "dependent" means dependent as defined in section 422.12, subsection 1, paragraph "c", as if the individual claimant was a taxpayer, except that an individual claimant's nonworking spouse shall be deemed to be a dependent under this section. "Nonworking spouse" means a spouse who does not earn more than one hundred twenty dollars in gross wages in one week.

The claimant earned \$959.00 in the third quarter of 2008, and \$8,831.00 in the fourth quarter of 2008. His monetary record is correct.

DECISION:

The monetary record dated April 9, 2009 (reference 01) is affirmed. The claimant's monetary record is correct.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw