

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAHELE J BELL
Claimant

APPEAL NO. 20A-UI-12076-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (1)

Iowa Code Section 96.3(4) – Timeliness of Appeal from Monetary Record
Iowa Code Section 96.4(4) – Minimum Earnings Requirement

STATEMENT OF THE CASE:

Rehela Bell filed a late appeal from the monetary record that was mailed to her on April 9, 2020. After due notice was issued, a hearing was held on November 23, 2020. Ms. Bell participated and presented additional testimony through Daniel Bell. Exhibit A, the appeal, Ex B, the monetary record, and Exhibit C, the 2019 tax return were received into evidence at the time of the appeal hearing. The administrative law judge took official notice of the following Agency administrative records: DBRO, KCCO, WAGE-A and WAGE-C. The administrative law judge left the hearing record open for the limited purpose of allowing the claimant and her spouse to submit correspondence with IWD. The claimant and/or her spouse submitted three items: correspondence between Daniel Bell and IWD, correspondence between Daniel Bell and Senator Grassley, and correspondence between Daniel Bell and Senator Ernst. The three additional items were received into evidence as Exhibits C, D and E respectively.

ISSUES:

Whether the claimant filed a timely appeal filed the monetary record mailed to the claimant on April 9, 2020.

Whether the claimant meets the minimum wage earnings requirements to be eligible for regular unemployment insurance benefits.

Whether the monetary record mailed to the claimant on April 9, 2020 correctly stated the number of dependents.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Rahele Bell attempted to establish an original claim for regular state unemployment insurance benefits during the week that started April 5, 2020. Ms. Bell is a self-employed free-lance artist and has no wage history in the Iowa Workforce Development records. At the time Ms. Bell made her initial application for benefits, she listed her number of dependents as zero. Ms. Bell's spouse, Daniel Bell, had earlier attempted to establish a claim for regular state benefits for himself and had included the couple's minor child as a dependent on his claim.

On April 9, 2020, Iowa Workforce Development mailed a monetary record to Ms. Bell. Ms. Bell received the monetary record on April 11, 2020. The monetary record reflected the zero dependents designation made by Ms. Bell at the time of her application for benefits. The monetary record stated that benefits could not be paid on the claim due to the absence of wages reported for Ms. Bell's Social Security number. In other words, the monetary record included an Agency determination that Ms. Bell did not meet the minimum wage earnings requirements to be eligible for regular state unemployment insurance benefits. The monetary record stated that the monetary determination would become final unless an appeal was filed within 10 days of the April 9, 2020 mailing date. The monetary record stated that if the appeal deadline fell on a Saturday, Sunday or legal holiday, the appeal deadline would be extended to the next working day. April 19, 2020 was a Sunday and the next working day was Monday, April 20, 2020. The monetary record included clear and concise instructions for filing an appeal from the monetary record. Ms. Bell did not take steps to file an appeal from the monetary record by the April 20, 2020 extended appeal deadline.

On September 12, 2020, Ms. Bell contacted Iowa Workforce Development via the uicclaimshelp@iwd.iowa.gov email address. Ms. Bell wrote that she wanted to appeal the denial of benefits and attached her 2019 tax return. The tax return included a Schedule C Profit or Loss From Business that indicated Ms. Bell made \$11,671.00 in net profit in 2019 as a self-employed illustrator. Tax return reflects that Mr. Bell had taxable wages in 2019, but reflects that Ms. Bell had no 2019 source of income other than the self-employment venture. On September 14, 2020, the Benefits Bureau responded to Ms. Bell's inquiry by providing her with instructions for filing an appeal with the Appeals Bureau. On September 23, 2020, Ms. Bell emailed an appeal to the Appeals Bureau. The Appeals Bureau received the appeal on September 23, 2020.

Between March 27, 2020 and August 5, 2020, Daniel Bell engaged in intermittent email correspondence with the Benefits Bureau regarding his claim for unemployment insurance benefits. Rahele Bell was not a party to the correspondence.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(4)(a) and (b) sets forth the minimum base period earnings requirements a claimant must meet in order to be "monetarily eligible" for unemployment insurance benefits, as follows:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

- a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the

base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

The 2019 unemployment Insurance Claimant Handbook succinctly states the minimum earnings requirements as follows:

To be eligible for benefits, you must have:

- Been paid wages by covered employers in at least two quarters of the base period
- Total base period wages of at least 1.25 times the wages earned in the highest base period quarter
- Wages of at least \$1,660 in one quarter and at least \$830 in a different quarter (program year July 7, 2019 - July 4, 2020)

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. Iowa Admin. Code r. 871-24.9(1)(b).

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 "a", 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.

An appeal submitted by mail is deemed filed on the date it is mailed as shown by the postmark or in the absence of a postmark the postage meter mark of the envelope in which it was received, or if not postmarked or postage meter marked or if the mark is illegible, on the date entered on the document as the date of completion. See Iowa Administrative Code rule 871-24.35(1)(a). See also *Messina v. IDJS*, 341 N.W.2d 52 (Iowa 1983). An appeal submitted by any other means is deemed filed on the date it is received by the Unemployment Insurance Division of Iowa Workforce Development. See Iowa Administrative Code rule 871-24.35(1)(b). No submission shall be considered timely if the delay in filing was unreasonable, as determined by the division after considering the circumstances in the case. See Iowa Administrative Code rule 871-24.35(2)(c).

Ms. Bell's appeal from the April 9, 2020 monetary record was untimely. Ms. Bell received the monetary record in a timely manner on April 11, 2020, had a reasonable opportunity to file an appeal by the extended April 20, 2020, but took no steps to file an appeal by the deadline. Ms. Bell did not takes steps to file an appeal until September 12, 2020, when she directed an appeal to the Benefits Bureau via the uicclaimshelp@iwd.iowa.gov email address. Ms. Bell subsequently directed an appeal to the Appeals Bureau on September 23, 2020. Regardless whether one deems the appeal filed as of September 12, 2020 or September 23, 2020, the appeal was unreasonably delayed about five months. Mr. Bell's correspondence with IWD regarding *his* claim for benefits cannot be construed as correspondence pertaining to Ms. Bell's claim or an appeal from the monetary record mailed to Ms. Bell on April 9, 2020. Nor can Mr. Bell's correspondence with the senators be somehow transformed into a timely appeal of the monetary record pertaining Ms. Bell. Because the late filing of the appeal was attributable to Ms. Bell and not attributable to IWD or to the United States Postal Service, there is not good cause to treat the late appeal as a timely appeal. See Iowa Administrative Code rule 871-24.35(2). The April 9, 2020 monetary record remains in effect.

Even if the appeal from the April 9, 2020 monetary record had been timely, the evidence indicates that the monetary record was in all respects accurate and that Ms. Bell did not meet the minimum wage earnings to be eligible for regular unemployment insurance benefits.

DECISION:

The claimant's appeal from the April 9, 2020 monetary record was untimely. The monetary record remains in effect.



James E. Timberland
Administrative Law Judge

December 7, 2020
Decision Dated and Mailed

jet/scn

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>.