BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

KELLY D ROOKS

HEARING NUMBER: 21B-UI-12822

Claimant

EMPLOYMENT APPEAL BOARD

DECISION

:

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.3-4, 24.9-1-B

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

Iowa Workforce Development Department's (Department) May 22, 2020 monetary determination found that the claimant's maximum benefit amount was \$4,174.66 and his benefit year began on May 3, 2020. The Department received updated information about out-of-state wages the claimant received. The Department corrected the claimant's monetary record in its October 6, 2020 redetermination. The October 6, 2020 redetermination found that the claimant's maximum benefit amount was \$3,557.25 and his benefit year began on March 1, 2020. The claimant's base period consists of the fourth quarter of 2018 and the first, second and third quarters of 2019. According to the redetermination the Claimant earned nothing during the fourth quarter of 2018, \$6,246.01 in the first quarter of 2019, \$4,135.83 in the second quarter of 2019 and \$289.92 in the third quarter of 2019. These amounts are incorrect. Iowa Workforce Development Department has conducted a wage investigation and found additional wages which have been added to Iowa Workforce's "Wage-A" database. The amounts, however, were not added to the claim, and this resulted in an inaccurate redetermination on October 6, 2020.

REASONING AND CONCLUSIONS OF LAW:

The Administrative Law Judge, relying on the DBRO database, erroneously affirmed the monetary determination. As we have found the monetary determination was inaccurate, due to a data entry error. We therefore remand this matter to Iowa Workforce, Benefits Bureau for proceedings consistent with our finding that the monetary redetermination of October 6, 2020 was in error.

If prior to our ruling, Iowa Workforce has made another redetermination, and issued a new monetary record then Iowa Workforce may elect to take no further action on our remand. Otherwise, Iowa Workforce should add to the March 1, 2020 claim the wages reflected in the Wage-A database for the applicable base period. These additional wages include wages in the fourth quarter of 2018 in the amount of \$3,366 and additional wages from Fox Payroll Services LLC in the first three quarters of 2019.

DECISION:

The administrative law judge's decision dated December 18, 2020 is **REVERSED**. The Employment Appeal Board concludes that the monetary record as stated on October 6, 2020 was inaccurate. This matter is remanded to Iowa Workforce Development, Benefits Bureau to take action consistent with our finding that the monetary redetermination of October 6, 2020 was in error. If, as of this date, another redetermination has already issued from Iowa Workforce that is consistent with our order, then Iowa Workforce may elect to take no further action on our remand **if** this newest redetermination address the issues we have identified.

James M. Strohman	
Myron R. Linn	

RRA/fnv