

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ASHLEY N LANDRY**  
Claimant

**APPEAL 17A-UI-03471-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 12/18/16  
Claimant: Appellant (1)**

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Iowa Code § 96.3(4) – Determination of Benefits  
Iowa Admin. Code r. 871-24.9(1)b - Dependents

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the March 23, 2017, (reference 05) unemployment insurance decision that denied the request to add dependents to the claim for benefits. After due notice was issued, a hearing was held on April 20, 2017. Claimant participated.

**ISSUE:**

Can the claimant's request to add one or more dependents to the claim be granted?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's employer, Durham D & M LLC, filed the claim for benefits for her on December 21, 2016, effective December 18, 2016, and listed no dependents. The employer did not ask for dependent information. Her weekly benefit amount (WBA) is \$113.00 with zero dependents. Claimant received the monetary record (green sheet) but did not notice the number of dependents was incorrect and did not file an appeal until March 23, 2017, which was not within ten days of the date of mailing on December 31, 2016. She claimed the following dependents on her income tax returns: Cameron Hejl (age 10), Carter Landry (age 8) and Cadence Richardson (age 7). Had the appeal been timely and the request to add three dependents granted, the WBA would have been \$130.00.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to add a dependent to the claim is not timely and is not granted.

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.

Iowa Admin. Code r. 871-24.9(1)b provides: Determination of benefit rights.  
24.9(1) Monetary determinations.

b. 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.

The Unemployment Insurance Benefits Handbook provides at page 14:

**Monetary Record**

The monetary record contains the:

- date the benefit year begins
- number of dependents claimed
- work search requirements
- Weekly Benefit Amount (WBA)
- Maximum Benefit Amount (MBA)
- employers the individual worked for during the base period and the wages earned each quarter
- last employer, as reported by the individual

Carefully review all information on the monetary record. Contact IWD immediately or send a letter appealing the monetary record if any information is incorrect. The

appeal should include copies of any check stubs, W-2 forms or other proof of earnings, if available.

The Unemployment Insurance Benefits Handbook provides at page 15:

**Dependents**

The number of dependents is used to determine the WBA and MBA. Adding dependents will increase the WBA and may increase the MBA. A dependent is any individual who could have been claimed on the prior year's income tax return or will be claimed this year. A claim may include a maximum of four dependents. Dependents can only be added within 10 days of filing the initial claim.

A spouse may be considered a dependent if they earned \$120.00 or less in wages (excluding self-employment) during the week before the claim effective date.

Dependents cannot be:

- the individual claiming UI benefits
- a person already listed on another non-expired claim
- a spouse who listed the individual on their non-expired claim

Dependents claimed incorrectly may result in an overpayment.

While the employer took responsibility for filing the claim for benefits, which IWD has instructed employers not to do as of January 2016, and failed to ask for or input correct dependent information, the claimant had notice of the number of dependents on the monetary record or green sheet mailed to her residence. Her request to add dependents, based upon that notice is not timely as it was submitted more than a month late.

**DECISION:**

The March 23, 2017, (reference 05) unemployment insurance decision is affirmed. The claimant's request to add three dependents to the claim is denied. The number of dependents remains at zero.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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