

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KANGLEI WANG
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL 21A-UI-21042-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/16/21
Claimant: Appellant (1)

Iowa Code § 96.4(4) – Monetary Eligibility
Iowa Code § 96.3(4) – Monetary Record
Iowa Code § 96.19(18)(g)(6) – Student Employment
Iowa Admin. Code r. 871—23.20 – Student Employment

STATEMENT OF THE CASE:

The claimant, Kanglei Wang, filed an appeal from the corrected Monetary Record that was mailed on September 14, 2021. A telephone hearing was held on November 15, 2021. The parties waived notice of the issue of student employment on the record. The claimant participated personally. The employer participated through Scott Coons. Claimant's Exhibit A was admitted. The administrative law judge took official notice of the administrative record.

ISSUES:

Whether the work claimant performed for The University of Iowa was “employment” for unemployment insurance purposes.
Whether claimant is monetarily eligible for unemployment insurance benefits.
Whether the monetary record Iowa Workforce Development mailed to claimant on September 14, 2021, was in all aspects correct.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established an original claim for regular unemployment insurance benefits with an effective date of May 16, 2021. The base period for purposes of the claim consists of the first through fourth quarters of 2020. Throughout the base period and until May 2021, claimant was a full-time graduate student at The University of Iowa. Claimant graduated from the graduate program in May 2021. Throughout the base period and until May 2021, claimant worked for the university as a teaching assistant. Claimant performed no other work during the base period. Claimant's wages from the university in 2020 totaled \$19,319.40.

On September 14, 2021, Iowa Workforce Development mailed claimant a corrected monetary record. It correctly indicated claimant's number of dependents as zero. It also correctly stated that The University of Iowa was claimant's last employer. The monetary record stated that benefits could not be paid in connection with the claim because no wages had been reported to

Iowa Workforce Development for claimant's social security number. On September 22, 2021, claimant filed her appeal from the monetary record determination that she was not eligible for regular unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.19(18)(g)(6), provides as follows:

g. The term "employment" shall not include:

(6) Service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university or by the spouse of such student, if such spouse is advised, at the time such spouse commences to perform such service, that the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and such employment will not be covered by any program of unemployment insurance.

Iowa Admin. Code r. 871—23.20, provides as follows:

Employment—student and spouse of student. Wages earned by a student who performs services in the employ of a school, college or university at which the student is enrolled and is regularly attending classes (either on a full-time or part-time basis) are not covered wages for claim or benefit purposes. Wages earned by an individual who is a full-time employee for a school, college or university whose academic pursuit is incidental to the full-time employment are covered wages. Wages earned by the spouse of such a student in employment with the educational institution attended by the student are not covered wages for benefit purposes if the employee-spouse is told prior to commencing the employment that the work is part of a program to provide financial assistance to the student and is not covered by unemployment insurance.

The part-time work that claimant performed for The University of Iowa while a regularly attending student of The University of Iowa was not "employment" within the meaning of the unemployment insurance law and the wages claimant earned from performing that work were not "covered wages" for unemployment insurance eligibility purposes.

Iowa Code section 96.4(4)(a) 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.

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.

Because none of claimant's base period wages were "covered wages" from "insured work," none of claimant's base period wages count toward the minimum earnings requirements and claimant does not meet the minimum earnings requirements.

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). Claimant filed a timely appeal from the monetary record. Iowa Code section 96.3(4) sets forth the formula for calculating a claimant's weekly benefit amount and maximum benefit amount, based on the total base period wages from "insured" work and the number of dependents included on the claim. The monetary record mailed to claimant on September 14, 2021, correctly stated claimant's dependents as zero, correctly indicated the base period wages for insured work as zero, and correctly omitted a weekly benefit amount or a maximum benefit amount. The monetary record was in all other respects correct. The monetary record correctly indicated that claimant was not eligible for regular unemployment insurance benefits in connection with the May 16, 2021, claim.

DECISION:

The monetary record mailed to the claimant on September 14, 2021, was in all respects correct and is affirmed. The claimant has no base period wages for insured work and is not monetarily eligible for benefits in connection with the May 16, 2021, claim.



Alexis D. Rowe
Administrative Law Judge

December 16, 2021
Decision Dated and Mailed

ar/mh