

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ESTHER M DESEH**  
Claimant

**APPEAL NO. 11A-UI-07325-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/16/11  
Claimant: Appellant (1)**

Section 96.3-4 – Monetary Record

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the Monetary Record May 25, 2011, reference 00, decision that held claimant overpaid. After due notice was issued, a hearing was held by telephone conference call on July 26, 2011. The claimant did not participate. Exhibits A, B, One and Two were admitted to the record. Claimant responded to the hearing notice and did not participate as she was not available at either number when called.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The monetary record was corrected to reflect an updated earnings history. The record reduced claimant's weekly benefit rate.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's monetary record is correct. For the following reasons the administrative law judge concludes it is. The record accurately reflects claimant's earnings during the base period.

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.

871 IAC 24.9 - Determination of benefit rights.

24.9(1) Monetary determinations

a. When an initial claim for benefits is filed, the department shall mail to the individual claiming benefits a Form 65-5318, Iowa Monetary Record, which is a statement of the individual's weekly benefit amount, total benefits, base period wages, and other data pertinent to the individual's benefit rights.

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 monetary record is correct.

**DECISION:**

The monetary record determination dated May 25, 2011, reference 00, is affirmed.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/css