

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DELANEY CORNFORTH
Claimant

APPEAL 20A-UI-02513-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1R)

Iowa Code § 96.4(4) – Determination of Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 19, 2020 monetary determination. After due notice was issued, a telephone hearing was held on April 15, 2020. Claimant participated personally. Claimant's Exhibit A was admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Is the claimant monetarily eligible for regular unemployment insurance benefits effective March 15, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed her initial claim for unemployment insurance benefits with an effective date of March 15, 2020. The base period is a four quarter time frame using the first four of the last five completed calendar quarters at the time an initial unemployment insurance claim application is filed. Qualified earnings in the base period determine the weekly benefit amount and the maximum benefit amount.

The base period for the claimant in this case covers the fourth quarter of 2018, as well as the first, second and third quarters of 2019. Because claimant had worked as a work study student for a period of time for Neighborhood Centers of Johnson County, she has limited qualified earnings in her base period in which to become monetarily eligible for benefits. The amounts listed as covered wages in her monetary record are correct. Those amounts include \$0.00 in the fourth quarter of 2018; \$13.13 in the first quarter of 2019; \$236.25 in the second quarter of 2019; and \$1,443.76 in the third quarter of 2019.

Claimant worked and was paid wages in the fourth quarter of 2019, which is considered a lag quarter and not in her current base period. Claimant's paystubs provided establish wages paid in the fourth quarter of 2019 in the following amounts: \$2,312.64 for the pay period of October 7, 2019 through October 20, 2019; \$2,627.64 for the pay period of October 21, 2019 through

November 3, 2019; \$2,940.02 for the pay period of November 4, 2019 through November 17, 2019; \$3,094.90 for the pay period of November 18, 2019 through December 1, 2019; and \$3,475.53 for the pay period of December 2, 2019 through December 15, 2019. See Exhibit A.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not monetarily eligible due to lack of qualified earnings in her regular base period. However, it appears that the claimant may be monetarily eligible for benefits based upon an alternate base period.

Iowa Code section 96.4(4)a provides:

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

4. 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 (**effective July 7, 2019 this amount is \$1,660**), 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 (**effective July 7, 2019 this amount is \$830**) 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 Admin. Code r. 871-24.1(11) provides:

Base period. The period of time in which the amount of wages paid to an individual in insured work which determines an individual's eligibility for, and the amount and duration of, benefits. The base period consists of the first four of the last five completed calendar quarters immediately preceding the calendar quarter in which the individual's claim for benefits is effective with the following exception. The department shall exclude three or more calendar quarters from the individual's base period in which the individual received workers' compensation or indemnity insurance benefits and substitute consecutive calendar quarters immediately preceding the base period in which the individual did not receive workers' compensation or indemnity insurance benefits. This exception applies under the following conditions:

- a. The individual did not work in and receive wages from insured work for three calendar quarters of the base period, or
- b. The individual did not work in and receive wages from insured work for two calendar quarters and lacked qualifying wages from insured work to establish a valid claim for benefits during another quarter of the base period.

Claimant is not monetarily eligible to receive regular unemployment insurance benefits due to a lack of qualified earnings in her current base period. However, it appears that claimant may be monetarily eligible using her lag quarter under an alternate base period. As such, this matter is remanded to the Benefits Bureau to review the claim to determine if claimant meets the monetary eligibility requirements using her lag quarter. Claimant must continue filing weekly continued claims for benefits so long as she is unemployed or working a reduced work schedule.

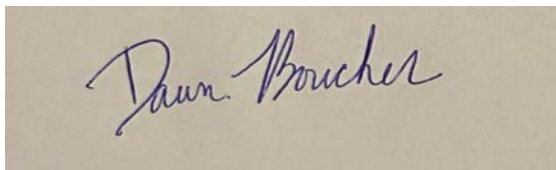
Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations may qualify for Pandemic Unemployment Assistance (PUA). You will need to apply for PUA to determine your eligibility under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The March 19, 2020 monetary record is affirmed pending an investigation of whether the claimant is monetarily eligible using an alternate base period that includes her lag quarter (fourth quarter of 2019).

REMAND:

The matter of whether the claimant is monetarily eligible for unemployment insurance benefits using her lag quarter in an alternate base period is remanded to the Benefits Bureau for an initial determination.

A handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style and is positioned above a horizontal line.

Dawn Boucher
Administrative Law Judge

April 16, 2020
Decision Dated and Mailed

db/scn