

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JILL D MIDDLETON
Claimant

APPEAL NO. 15A-UI-13217-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MUSIC JUNKIES
Employer

OC: 06/07/15
Claimant: Appellant (1)

Section 96.3-4 – Adding Wages to Claim

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated November 19, 2015, reference 07, which denied the claimant's request to have wages added to her unemployment insurance claim for the period beginning July 1, 2015 and ending September 30, 2015. After due notice was provided, a telephone hearing was held on December 29, 2015. The claimant participated. Participating on behalf of Music Junkies was Mr. Bobby Martin. The administrative law judge took official notice of the claimant's administrative file.

ISSUE:

The issue is whether the evidence in the record establishes that the claimant was paid wages by Music Junkies during the period in question and if so, whether the wages can be added to the claimant's unemployment insurance claim.

FINDINGS OF FACT:

Having considered all the evidence in the record, the administrative law judge finds: Jill Middleton opened a claim for unemployment insurance benefits effective June 7, 2015, but was determined not to have sufficient wages paid to her for insured work for the fourth quarter 2015.

The wages recorded for the claimant during her base period were determined to be in the amounts of \$1891 for the third quarter 2014 and \$2201 for the fourth quarter 2014 from Industry Marketing Solutions. Wages were reported from Spherion Staffing in the amount of \$1686 for the first quarter 2015 and wages from Simply Clean in the amount of \$284 for the third quarter 2015. Ms. Middleton disagreed with the monetary determination stating her belief that she had employment with Music Junkies and was paid wages for her services on unspecified dates and unspecified amounts between the period of July 1, 2015 and July 30, 2015.

Iowa Workforce Development undertook a wage investigation at the claimant's request and on November 16, 2015 the wage investigator concluded based upon statements by Bobby Martin and the claimant's failure to furnish tangible evidence of working for Mr. Martin that the evidence

that Ms. Middleton had been paid wages by Music Junkies was insufficient and the investigation was closed.

Ms. Middleton asserts that she performed assistance to Music Junkies on a number of dates that are generally unspecified and that she had been paid for her services in cash, an hourly rate of \$12 or \$15 per hour. Is the claimant's further belief that she had been paid over \$1500 during that calendar quarter and that those wages should be added to her unemployment insurance claim for the period between July 1, 2015 and September 30, 2015.

Mr. Martin explains that "Music Junkies is an informal volunteer group who bans together, at times, to assist at musical events and that volunteers receive no pay or other remuneration, with the exception of admission to the music event without charge." Mr. Martin denies that there was an employer/employee relationship between the parties or that Ms. Middleton had been paid for her services. Mr. Martin further asserts that any documents that purport to be receipts for wages paid to the claimant are fictitious and had been prepared by the claimant only for the purpose of supporting a false claim that she had earned sufficient wages to qualify to receive unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the claimant's request to have wages she alleges to have been paid by Music Junkies added to her unemployment claim was properly denied. It was.

In addition to being able to work, available for work and earnestly and actively searching each week that benefits are claimed, an individual must have earned sufficient wages during the quarters of his or her base period to qualify for an unemployment insurance claim. The claimant bears the burden of establishing that the claimant meets the eligibility requirements. 871 IAC 24.22.

In the case at hand, no wages were reported to have been paid to the claimant for insured work by Music Junkies during the calendar quarter beginning July 1, 2015 and ending September 30, 2015. In view of the employer's denials and the conclusion of the field wage investigator, the claimant's assertions of being paid wages during that period sufficient to establish an unemployment insurance claim are not sufficient to establish that the claimant had been paid wages for services or that the wages paid were sufficient to establish her claim for unemployment insurance benefits.

Music Junkies appears to be a voluntary informal organization that relies upon free will assistance from volunteers who are not paid for their services and the claimant has none of the usual evidentiary memorabilia associated with employment such as W-2 forms, paycheck stubs and withholding statements. For these reasons, the claimant's request to have wages added to her unemployment insurance claim for the period beginning July 1, 2015 and ending September 30, 2015 is denied.

DECISION:

The representative's decision dated November 19, 2015, reference 07, is affirmed. The claimant's request to have wages added to her unemployment insurance claim for the period July 1, 2015 and ending September 30, 2015 was properly denied.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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