

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**ERIC D CHENEY  
100 GOLFVIEW CT  
NORTH LIBERTY IA 52317-9715**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-03263-LT  
OC: 01-15-06 R: 03  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Iowa Code § 96.3(4) – Determination of Benefits

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 7, 2006, reference 01, decision that denied his request to add dependents to his claim for benefits. After due notice was issued, a hearing was held on April 10, 2006. Claimant participated.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed his claim for benefits on January 18, 2006 and listed his spouse, Shelia, and son, Bobby, as dependents. Claimant mistakenly checked “No” under the question “Are you claiming your spouse as a dependent on this unemployment insurance claim?” The question is confusing since it is immediately followed by a parenthetical statement “(Your spouse must earn \$120.00 or less in the week prior to filing your claim to qualify as a dependent.)” and asks the claimant

next whether she had filed a claim for unemployment in the past 12 months and if her income was less than \$120.00 weekly to which he answered, "No". In spite of specifically listing both his spouse and son, the monetary record reflects only one dependent on his monetary record. Oddly, the representative's decision conflicts with the monetary record and indicates zero dependents.

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 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 "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.

Since the initial application form is poorly phrased and claimant was otherwise consistent in claiming two dependents and answering the questions about his spouse as if he were claiming her as a dependent, the confusion related to the form is considered a good cause reason for the request to add a dependent to the claim. The addition of one dependent to the monetary record for a total of two (2) dependents is granted.

DECISION:

The March 7, 2006, reference 01, decision is reversed. The claimant's request to add a dependent to the claim is granted. Claimant is entitled to claim two (2) dependents on his claim effective January 15, 2006.

dml/tjc