

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES T GALLOWAY
Claimant

APPEAL NO. 08A-DUA-00024-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**FEDERAL UNIT
ADMINISTRATIVE OFFICE**

**OC: 05/25/08 R: 03
Claimant: Appellant (1)**

20 CFR 625.6(b) – DUA Weekly Benefit Amount

STATEMENT OF THE CASE:

James T. Galloway (claimant) appealed a Disaster Unemployment Assistance (DUA) July 9, 2008 decision that concluded he was eligible to receive weekly disaster unemployment assistance (DUA) benefits in the amount of \$147.00. A telephone hearing was held on September 3, 2008. The claimant participated in the hearing. During the hearing, Claimant Exhibit A was admitted as evidence. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

ISSUE:

Is the claimant's weekly DUA benefit amount of \$147.00 correct?

FINDINGS OF FACT:

The claimant filed an initial application for DUA on June 17, 2008, with an effective date of May 25, 2008. On his 2007 Federal Income Tax Return, he reported a loss on his net annual earnings for his farming operation. As of May 25, 2008, the average weekly payment of regular unemployment compensation in Iowa is \$294.00.

REASONING AND CONCLUSIONS OF LAW:

"The Robert T. Stafford Disaster Relief and Emergency Assistance Act" includes a program for the payment of unemployment assistance benefits to individuals unemployed as a result of a major disaster. See 42 USC §§ 5177, 5189a; 20 CFR Part 625. Under the pertinent federal regulations, the amount of DUA payable to an unemployed individual shall be the weekly amount of regular unemployment compensation the individual would have been paid, as computed under the provisions of the state law and based on the individual's income during the previous tax year. However, if the weekly amount is less than 50 percent of the average weekly payment of regular compensation in the state or the individual has insufficient wages from employment or insufficient or no net income from self-employment to compute a weekly amount, the individual is entitled to a weekly amount equal to 50 percent of the average weekly payment of regular compensation in the state. 20 CFR § 625.6.

In this case, the claimant reported a loss on his net income from his self-employment in 2007. The claimant's weekly DUA amount was correctly determined to be \$147.00, which is equal to 50 percent of the average weekly payment of regular compensation in the Iowa.

The claimant argued that he donated much of his crop because the weather conditions in 2007 spoiled a great deal of his crop and thus his weekly benefit amount should be increased. In 2007 most of his tomatoes were damaged and were not salable. Instead of just throwing away the produce, he donated them to his neighbors, nursing homes, and food centers. While the claimant's actions are commended, the fact remains he experienced a net loss from his farming operation in 2007. (Claimant Exhibit A.) The law states weekly benefit amounts are determined based on the previous year's federal income tax return. As a result, the weekly benefit amount of \$147.00 is correct.

DECISION:

The DUA decision dated July 9, 2008, is affirmed. The claimant's weekly amount of DUA was correctly determined to be \$147.00

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw