

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JOSE ALDACO**  
Claimant

**APPEAL 20A-UI-12737-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/05/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.6(2) – Timeliness of Appeal  
IAC R. 871-24.9(1)B – Monetary Determination

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the June 11, 2020 (reference 01) unemployment insurance monetary determination decision. The parties were properly notified of the hearing. A telephone hearing was held on December 4, 2020. The claimant, Jose Aldaco, participated personally.

**ISSUE:**

Did the claimant make a timely request to change his monetary record?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant's monetary record was mailed to him on June 11, 2020 and he received it a few days after July 21, 2020. Claimant did not make a request to change to his monetary determination until October 12, 2020, which is more than ten days after the date of mailing.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did not make a timely request to change his monetary determination.

Iowa Code section 96.3(4) provides:

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 "a", 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.

Iowa Admin. Code r. 871-24.9(1)(a)&(b) provide:

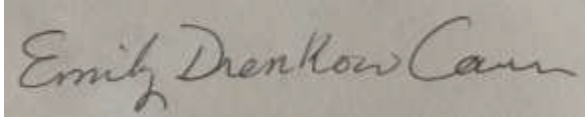
Monetary determinations.

- 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.

In this case, the claimant did not make a timely request to change the monetary determination as his request was filed on October 12, 2020, which is more than ten days after the date of mailing of the monetary record. As such, claimant's request to change his monetary determination is denied.

**DECISION:**

The June 11, 2020 (reference 01) decision is affirmed. The appeal in this case was not timely and the decision of the representative remains in effect.

A rectangular box containing a handwritten signature in cursive script that reads "Emily Drenkow Carr".

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Emily Drenkow Carr  
Administrative Law Judge

December 14, 2020  
Decision Dated and Mailed

ed/mh