

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER L ALLEN
Claimant

APPEAL 18A-UI-10597-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 09/23/18
Claimant: Appellant (1)

Iowa Code § 96.3(4) – Determination of Benefits
Iowa Admin. Code r. 871-24.9(1)b - Dependents

STATEMENT OF THE CASE:

Jennifer L. Allen (claimant) filed a timely appeal from the October 22, 2018, reference 02, unemployment insurance decision that denied the request to add a dependent to the claim for benefits. After due notice was issued, a hearing was held on November 7, 2018. The claimant participated. No exhibits were offered into the record.

ISSUE:

Can the claimant's request to add one or more dependents to the claim be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed her claim for benefits effective September 23, 2018. She did not list any dependents on her claim. On September 27, 2018, Iowa Workforce Development (IWD) mailed the claimant a monetary record which contained a warning that it would become final after ten days if no appeal was filed. On October 19, 2018, the claimant contacted IWD and asked to have her son added as a dependent. The reason she waited to make her request is that was when she had time to read the Unemployment Insurance Handbook, which she agreed to read when she filed her claim for unemployment insurance benefits.

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 not timely and is denied.

Iowa Code section 96.3(4) provides:

Payment – determination – duration – child support intercept.

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 "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)b provides:

Determination of benefit rights.

24.9(1) Monetary determinations.

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.

The online Claimant Unemployment Insurance Handbook under Monetary Eligibility, states in part:

DEPENDENTS

The number of dependents is used to determine the WBA and MBA. Adding dependents will increase the WBA and may increase the MBA. A dependent is any individual who was claimed on the prior year's income tax return. A claim

may include a maximum of four identity verified dependents. Non-verified dependents will not be added to the claim. Dependents can only be added within 10 days of filing the initial claim.

A spouse may be considered a dependent if they earned \$120.00 or less in wages (excluding self-employment) during the week before the claim effective date.

Dependents cannot be:

- The individual claiming UI benefits
- A personal already listed on another unexpired claim
- A spouse who listed the individual on their non-expired claim

Dependents claim incorrectly may result in an overpayment.

The claimant has not established a good cause reason for failing to report her son as a dependent within ten days of filing her claim. The claimant knew at the time she filed that she had a son. The claimant's failure to timely read the Unemployment Insurance Handbook to learn she could add her son as a dependent does not constitute good cause to allow the late request. The claimant has not established that she failed to add her son as a dependent due to misinformation from an IWD representative or based on newly discovered facts. The request to add a dependent to the claim is denied. The number of dependents remains at zero.

DECISION:

The October 22, 2018, reference 02, unemployment insurance decision is affirmed. The claimant's request to add a dependent to the claim is denied.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/rvs