

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATTHEW A ZMUDA
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 23A-UI-07007-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/02/23
Claimant: Appellant (2R)

Iowa Code Section 96.3(4) – Monetary Record
Iowa Code Section 96.4(4) – Minimum Earnings Requirement

STATEMENT OF THE CASE:

On July 14, 2023, the claimant filed a timely appeal from the monetary record that Iowa Workforce Development mailed to the claimant on July 10, 2023. After due notice was issued, a hearing was held on August 1, 2023. The claimant participated. Exhibits A and B were received into evidence. The administrative law judge took official notice of the monetary record mailed to the claimant on July 10, 2023 and the following additional Iowa Workforce Development administrative records: DBRO, WAGE-A, WAGE-C, IBIQ (Illinois).

ISSUE:

Whether the monetary record mailed to the claimant on July 10, 2023 correctly stated the claimant's base period wages for purposes of the July 2, 2023 Iowa unemployment insurance claim.

Whether the claimant met the minimum earnings requirements to be monetarily eligible for unemployment insurance benefits in connection with the July 2, 2023 Iowa claim.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant attempted to establish an Iowa original claim for unemployment insurance benefits effective July 2, 2023. The claimant has at all relevant times resided in Clinton, Iowa.

On July 10, 2023, Iowa Workforce Development mailed a Monetary Record (green paper) to the claimant. The Monetary Record correctly stated the claimant's number of dependents as one. The Monetary Record stated that no benefits could be paid in connection with the Iowa claim because no wages were reported for the claimant's Security Number.

The claimant's base period for purposes of the July 2, 2023 original claim consists of the second, third and fourth quarters of 2022 and the first quarter of 2023. Throughout the four quarters of the base period, the claimant was employed by Timken Drives L.L.C. as a full-time welder at the employer's Clinton, Iowa facility. The claimant's base period wages for the work performing in Iowa were as follows:

<u>Quarter</u>	<u>Wages Paid</u>
2022/2	20,567.34
2022/3	28,179.72
2022/4	33,254.12
2023/1	29,217.44

See IBIQ (Illinois).

The employer erroneously reported the claimant's base period wages to the Illinois Department of Employment Security, rather than to Iowa Workforce Development. The employer has acknowledged its error in reporting the wages to Illinois instead of Iowa. See Exhibit B.

On July 14, 2023, the claimant filed a timely appeal from the July 10, 2023, Monetary Record.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(4)(a) and (b) sets forth the minimum base period earnings requirements a claimant must meet in order to be "monetarily eligible" for unemployment insurance benefits, as follows:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

In the 2023-2024 online The 2019 Unemployment Insurance Claimant Handbook, Iowa Workforce Development succinctly states the minimum earnings requirements as follows:

To be eligible for benefits, you must have:

- Been paid wages by covered employers in at least two quarters of the base period
- Total base period wages of at least 1.25 times the wages earned in the highest base period quarter
- Wages of at least \$1890 in one quarter and at least \$950 in a different quarter (program year July 3, 2022 to July 1, 2023).
- Wages of at least \$2000 in one quarter and at least \$1000 in a different quarter (program year July 2, 2023 to July 6, 2024).

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. Iowa Admin. Code r. 871-24.9(1)(b).

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 "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.

The claimant has presented sufficient evidence to establish that the Monetary Record mailed to the claimant on July 10, 2023 erroneously omitted substantial base period wages the claimant was paid for insured work performed for an Iowa employer in Iowa. The error in the Monetary Record was attributable to the employer erroneously reporting the claimant's base period wages to Illinois, rather than to Iowa Workforce Development. The claimant's base period wages satisfy each of the minimum earnings requirements. The claimant is monetarily eligible for benefits in connection with the July 2, 2023 original claim. This matter will be remanded to Iowa Workforce Development Benefits Bureau so that the Bureau make take appropriate steps to add the base period wages to the Iowa claim and determine the claimant's weekly benefit amount and maximum benefit amount accordingly.

DECISION:

The Monetary Record mailed to the claimant on July 10, 2023 erroneously omitted substantial base period wages the claimant was paid for insured work performed for an Iowa employer in Iowa. The Monetary Record is REVERSED. The claimant met the minimum earnings requirements and is monetarily eligible for benefits in connection with the Iowa claim, based on the base period wages referenced above herein. The base period wages the employer erroneously reported to Illinois Department of Employment Security shall be added to the Iowa claim.

REMANDED:

This matter is REMANDED to Iowa Workforce Development Benefits Bureau so that the Bureau make take appropriate steps to add the base period wages to the Iowa claim and determine the claimant's weekly benefit amount and maximum benefit amount accordingly.



James E. Timberland
Administrative Law Judge

08/09/23
Decision Dated and Mailed

JET/jkb

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.