

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

EDIS PORCIC
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 17A-UI-01357-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/22/17
Claimant: Appellant (5R)**

Iowa Code § 96.3(4) – Determination of Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 26, 2017 monetary determination. After due notice was issued, a telephone hearing was scheduled for February 27, 2017. The claimant failed to respond at the telephone number he provided at the time the hearing was scheduled to begin. However, official notice was taken of the administrative record, including claimant's wage record and information found on the MyIowaUI webpage.

ISSUE:

Is the monetary record dated January 26, 2017, correct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant's wage record indicates no wages were earned for the fourth quarter of 2015 or the first through third quarters of 2016. The fourth quarter of 2016 is the claimant's lag quarter, which does not count towards the benefit year or benefit calculations, but the wage records indicates claimant had not wages in this quarter as well. However, a search on the MyIowaUI website shows an individual named Edisa Porcic earned wages in all four quarters of 2015 and 2016. The records indicate the social security number for claimant, Edis Porcic, is identical to that of Edisa Porcic, except for the last digit. In his appeal letter the claimant writes that he was laid off in December 2016, but has confirmed that he had earned wages.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes there may be an error in reporting claimant's name and social security number that has resulted in earned wages not being recorded in his wage history and that this issue must be remanded for investigation and determination.

Iowa Code § 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: maximum	The weekly benefit amount shall equal the following fraction the of high quarter wages: average	Subject to the following percentage of statewide 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 § 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 wage record shows no wages for claimant during his benefit year or lag quarter. Claimant's appeal indicates he was working but laid-off in December 2016. The administrative record shows wages for an individual with a name and social security number very similar to claimant, the only differences being the letter "a" at the end of the first name and differing last digits on the social security numbers. It appears possible that claimant's name and social security number have been recorded improperly either on the MylowaUI website or in his wage record via the TN3270 system. Accordingly, the appeal is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination as to whether an error has been made in regards to claimant's name and social security number and, if so, what effect that may have on his wage history and corresponding monetary determination.

DECISION:

The January 26, 2017 monetary determination is modified with no change in effect pending a remand to the Benefits Bureau.

REMAND:

The issue of whether claimant's name and/or social security number has been incorrectly recorded and whether this resulted in earned wages not being reported in his wage history is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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