

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAREN L MCGUIRE
Claimant

APPEAL NO: 13A-UI-01332-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/20/13
Claimant: Appellant (1-R)

Section 96.3-4 – Determination of Benefits

STATEMENT OF THE CASE:

The claimant appealed from a department monetary decision record dated January 24, 2013, reference 01, that held she lacked qualified earnings, and benefits are denied. A telephone hearing was held on February 27, 2013. The claimant participated.

ISSUE:

The issue is whether the monetary determination is correct.

FINDINGS OF FACT:

The administrative law judge having heard the stipulation and having considered the evidence in the record, finds: The claimant filed an unemployment claim effective January 1, 2012 and received regular UI benefits. She filed an EUC claimant effective July 1, 2012 and received benefits.

She went to work for New Cooperative Inc. (ER#033332) and the department monetary record shows it reported wages for insured work in the amount of \$1,122.36 for the 3rd quarter of 2012. The record did not show claimant wages for the 4th quarter as it is outside her eligibility base period.

The record does advise claimant if she earned 4th quarter 2012 wages to contact the department regarding possible benefit options. The department record shows New Cooperative has reported 4th quarter wages of \$7,759.00. It also states she can re-file on and after April 7, 2013.

REASONING AND CONCLUSIONS OF LAW:

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 "c", 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 administrative law judge concludes that department January 24, 2013 monetary record is affirmed, as the claimant has no additional base period wages to add to her claim.

The administrative law judge further concludes claimant's claim is remanded for further review as to eligibility options in light of claimant 4th quarter 2012 reported wages of \$7,759.00.

DECISION:

The department decision dated January 24, 2013, reference 01, is affirmed. Claimant currently lacks qualified earnings to be eligible. The further eligibility options issue is remanded to claims for review and issuance of a department decision.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs