

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KIMARY R DEBROWER
Claimant

APPEAL 17A-UI-11326-CL-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/08/17
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the October 31, 2017, (reference 01) unemployment insurance decision that denied the request to add a dependent to the claim for benefits. After due notice was issued, a hearing was scheduled to be held on November 22, 2017. Claimant participated.

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: Claimant filed a claim for unemployment insurance benefits effective October 8, 2017, and did not list her spouse as a dependent. Around the time she filed her claim she called the Iowa Workforce Development's customer service line seeking advice on whether she could list her husband as a dependent. She was advised she could not list her husband as a dependent because he received Social Security retirement benefits. Claimant's husband is retired and is not employed.

Claimant did not receive a copy of the monetary determination that was mailed to her on October 12, 2017.

On October 27, 2017, an Iowa Workforce Development employee visited the workplace at which claimant was employed. The IWD representative spoke with claimant and explained that she could, in fact, add her husband as a dependent on her claim. The representative assisted claimant in submitting the request to the agency. The request was denied and the representative encouraged claimant to file an appeal.

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 timely and is granted.

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.

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 Unemployment Insurance Benefits Handbook provides at pages 6 and 7:

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 could have been claimed on the prior year's income tax return or will be claimed this year. A claim may include a maximum of four dependents. 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 person already listed on another non-expired claim
- a spouse who listed the individual on their non-expired claim

Dependents claimed incorrectly may result in an overpayment.

In this case, the claimant received incorrect information from the agency when she timely requested the addition of the dependent. Later, when claimant learned the information was inaccurate and she was actually entitled to add her husband as a dependent on her claim, she promptly renewed her request. Claimant has established a good reason to add a dependent to the claim. The addition of one dependent to the monetary record for a total of one (1) dependent is granted.

DECISION:

The October 31, 2017, (reference 01) unemployment insurance decision is reversed. The claimant's request to add one dependent to the claim is granted. Claimant is entitled to claim one (1) dependent on the claim effective October 8, 2017. A recalculation of benefits shall be made and benefit payments shall be adjusted accordingly.

Christine A. Louis
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Decision Dated and Mailed

cal/scn