

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROBERT FENBY
Claimant

APPEAL NO. 14A-UI-01913-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/05/14
Claimant: Appellant (1)**

Iowa Code § 96.3 - Monetary Determination

STATEMENT OF THE CASE:

Robert Fenby (claimant) appealed a monetary decision mailed February 12, 2014, which held he was ineligible for unemployment insurance benefits due to a lack of qualified earnings. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on March 28, 2014. The claimant participated in the hearing. Claimant's Exhibit A was admitted into evidence.

ISSUE:

The issue is whether the claimant's monetary determination is accurate.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed an original claim for job insurance benefits effective January 5 2014. The base period of his claim consists of the fourth calendar quarter from 2012 and the first three quarters of 2013. The claimant requested to file an alternate base period and that was allowed but he was still not eligible for benefits.

The claimant disputes the monetary determination because he actually earned \$6,990.83 in the third quarter of 2013 but the Agency is only counting \$4663.75 because the last paycheck of the quarter was paid on October 3, 2013, which is in the fourth quarter.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant's monetary determination is accurate. For the following reasons, the administrative law judge concludes that it is.

Workforce Development rule 871 IAC 24.9(1)(a) and (b) provide as follows:

Determination of benefit rights.

24.9(1) Monetary determinations.

a. When an initial claim for benefits is filed, the department shall mail to the individual claiming benefits a Form 65–5318, Iowa Monetary Record, which is a statement of the individual's weekly benefit amount, total benefits, base period wages, and other data pertinent to the individual's benefit rights.

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.

Iowa Code § 96.3(4) provides that an individual's weekly benefit amount shall be an amount equal to the following fractions of the individual's total wages paid during that quarter. While the claimant is frustrated with the system, his wages earned in the third quarter of 2013 were actually paid in the fourth quarter and that cannot be changed.

DECISION:

The claimant's monetary determination dated February 12, 2014, is accurate.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs