

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RONALD D SMITH
Claimant

APPEAL 20A-UI-03692-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (1)

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 April 28, 2020, (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 May 21, 2020. 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 benefits on April 28, 2020 and he did not list his son as a dependent. His wife also filed a claim on the same day, and she listed the couples' son as a dependent.

Claimant's wife received a decision approximately five days later which indicated that she was ineligible for benefits. Claimant tried to contact the claims department to add his son as a dependent at some point after his wife received the decision. The phone number was busy when he tried to call. His request was not timely.

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 not timely, and is denied.

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

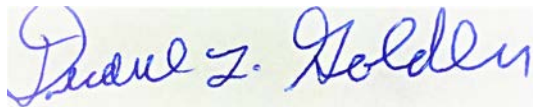
a spouse who listed the individual on their non-expired claim

Dependents claimed incorrectly may result in an overpayment.

The claimant has not established a good cause reason for failing to report his son as a dependent when the claim was filed. The request to add one dependent to the monetary record is denied. The number of dependents remains at 0.

DECISION:

The April 28, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant's request to add a dependent to the claim is denied.



Duane L. Golden
Administrative Law Judge

May 27, 2020
Decision Dated and Mailed

dlg/scn