

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZELIG KOPEL
Claimant

APPEAL NO: 18A-UI-08760-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES GLOBAL LLC

OC: 08/12/18
Claimant: Appellant (4-R)

Iowa Code § 93.5-4 – Determination of Benefits
Iowa Code § 96.3-4 – Monetary Determination

STATEMENT OF THE CASE:

The claimant appealed his monetary record dated August 12, 2018, (reference 02) that concluded his weekly benefit amount was \$350.00 and his maximum benefit amount was \$7,789.00. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 6, 2018. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Claimant's Exhibit A was admitted into evidence.

ISSUE:

The issue is whether the claimant's monetary record is correct.

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 for unemployment insurance benefits with an effective date of August 12, 2018. The claimant's base period of employment includes the second quarter of 2017 through the second quarter of 2018. The Department shows the claimant earned \$2,808.00 from Electrical Engineering; \$390.00 from Hy-Vee and \$4,725.00 from Kelly Services Global, LLC in the first quarter of 2018 for a total of \$7,923.00. The claimant presented a check stub from Kelly Services Global, LLC for the year to date ending March 31, 2018, with a total federal taxable gross income of \$5,725.00 rather than the \$4,725.00 reported by Kelly Services Global, LLC. Consequently, the claimant is questioning whether his monetary determination is correct.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant's monetary record does not appear to be correct.

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:	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.

While the claimant's monetary record shows he earned \$7,923.00 in the first quarter of 2018, it appears the claimant actually earned \$8,923.00 because he earned \$5,725.00 with Kelly Services Global, LLC the first quarter of 2018 rather than the \$4,725.00 reported by Kelly Services Global, LLC. Consequently, the claimant's monetary record is not correct. The issue of the claimant's correct monetary determination is remanded to the Benefits Bureau to determine the correct amount earned by the claimant from Kelly Services Global, LLC in the first quarter of 2018.

DECISION:

The monetary record dated August 12, 2018, (reference 02) is modified in favor of the claimant and remanded to the Benefits Bureau for a determination of the correct amount of wages earned by the claimant during the first quarter of 2018 from Kelly Services Global, LLC.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn