

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DANIEL GEISTLER**  
Claimant

**APPEAL NO: 23A-UI-10296-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US FISH AND WILDLIFE SERVICE**  
Employer

**OC: 10/15/23**  
**Claimant: Appellant (4-R)**

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Iowa Code § 96.4(4) – Monetary Eligibility  
Iowa Code section 96.3(4) – Determination of Benefits

**STATEMENT OF THE CASE:**

The claimant, Daniel Geistler, filed a timely appeal from the October 24, 2023, monetary record that denied benefits because of not having sufficient wages with other employers in the base period to be eligible to draw benefits. After due notice was issued, a hearing was held on November 20, 2023, at 10:00 a.m. The claimant participated. The employer did not participate. Official notice was taken of the agency records. Exhibit A, B, C, D, E, F, G were admitted into the record.

**ISSUE:**

Should the claimant's monetary record be amended to include wages earned from this employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The United States Department of the Interior paid the claimant \$8,668.00 in wages during the first quarter of 2023. The claimant made \$1,444.80 per pay period. The claimant provided two leave and earnings statements showing his base pay at this level. (Exhibits B and C) The claimant worked in this role from April 9, 2023, until October 6, 2023. He provided a copy of his separation letter. (Exhibit D) Attached to his separation paperwork is an SF-8, which serves as a notice to federal employees regarding filing of unemployment claims. (Exhibit E) The claimant added that he was provided a government card for lodging and travel, but this would not be considered wages.

The claimant was paid wages by Recreational Equipment Incorporated working a seasonable job from November 2022 through January 2023. The claimant provided his W-2 form which displays he earned \$2,962.71 in 2022. (Exhibit A) The administrative records show the claimant only has wages for this employer in the first quarter of 2023.

After examining the wage records provided by the claimant, his monetary record should display the following wages:

Employer	3 Q / 2022	4 Q / 2022	1 Q / 2023	2 Q 2023
Water Works	\$8,993.88	\$557.76		
Recreational Equipment		\$2,962.71	\$1,545.37	
Federal Government			\$8,668.00	

#### **REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the claimant is monetarily eligible pending confirmation of the additional wages from the United States Department of the Interior and Recreational Equipment Incorporated in the fourth quarter of 2022.

Iowa Code section 96.4(4)c provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

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 following fraction of high quarter wages:	The weekly benefit amount shall equal percentage of the statewide average weekly wage.	Subject to the following maximum
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.

There are essentially three different requirements to be monetarily eligible. First, the claimant must have wages in two quarters. Second, the claimant must meet the minimum amount of insured wages in his high (\$2,000) and low quarters (\$1,000). Third, the claimant's total base period earnings must be at least 1.25 times his highest quarter.

The claimant has two business quarters of insured wages. He surpasses the minimum thresholds of the second element, assuming confirmation of additional wages by the Benefits Bureau.

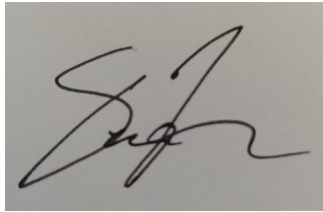
The claimant's total base period wages total \$22,727.72, assuming confirmation by the Benefits Bureau on remand. The claimant's high quarter, the first quarter of 2023, totals \$10,213.37 times 1.25 is \$12,766.71. \$22,727.72 is greater than \$12,766.71. The claimant is monetarily eligible assuming these additional wages are confirmed by the Benefits Bureau.

**DECISION:**

The October 24, 2023, monetary record, decision is MODIFIED IN FAVOR of the claimant to include wages earned from the employer, United States Department of the Interior, and additional wages from Recreational Equipment Incorporated in the fourth quarter of 2022.

**REMAND:**

The unrecorded wage issue regarding wages earned from United States Department of the Interior and the additional wages for Recreational Equipment Incorporated is remanded to the Benefits Bureau of Iowa Workforce Development Department for confirmation of addition of those wages and determination of benefits, as set out above in the findings of facts.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is written over a light gray rectangular background.

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Sean M. Nelson  
Administrative Law Judge

November 28, 2023  
Decision Dated and Mailed

smn/scn

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. *There is no filing fee to file an appeal with the Employment Appeal Board.*

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may file a petition for judicial review in district court.

2. If you do not file an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at [www.iowacourts.gov/efile](http://www.iowacourts.gov/efile). *There may be a filing fee to file the petition in District Court.*

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal. *No hay tarifa de presentación para presentar una apelación ante la Junta de Apelación de Empleo.*

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si no presenta una apelación de la decisión del juez ante la Junta de Apelación de Empleo dentro de los quince (15) días, la decisión se convierte en una acción final de la agencia y tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días. Puede encontrar información adicional sobre cómo presentar una petición en [www.iowacourts.gov/efile](http://www.iowacourts.gov/efile). *Puede haber una tarifa de presentación para presentar la petición en el Tribunal de Distrito.*

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.