

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHARLES V ATEN**  
Claimant

**APPEAL 18A-UI-01684-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 01/07/18**  
**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 January 24, 2018, (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 March 1, 2018. 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: The claimant filed a claim with an effective date of January 7, 2018, and mistakenly failed to list his wife as a dependent. A copy of his monetary determination was mailed to claimant on January 9, 2018. The monetary determination indicated claimant had zero dependents. The back page of the monetary determination instructs claimants to review the information carefully and to contact the agency or file an appeal if any information is missing or is incorrect. The monetary determination further instructs that a request for an appeal must be postmarked or received within ten calendar days after the mailing date shown on the form or the monetary determination will become final. Thus, the deadline for claimant to appeal the monetary determination was January 19, 2018. Claimant received the monetary determination prior to that deadline, but did not read it carefully as it had always been accurate in the past. On January 23, 2018, claimant received his first weekly benefit payment and realized it was less than it had been in previous claim years. Claimant called the agency and learned he forgot to add his wife as a dependent on his claim. Claimant made an oral request the same day. It was denied.

## 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 untimely 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.

In this case, claimant has not established a good cause reason for failing to report a dependent until after the monetary determination became final. Therefore, the request to add one

dependent to the monetary determination is denied. The number of dependents remains at zero.

**DECISION:**

The January 24, 2018, (reference 01) unemployment insurance decision is affirmed. The claimant's request to add on dependent to the claim is denied.

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Christine A. Louis  
Administrative Law Judge  
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Decision Dated and Mailed

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