

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
JILL R FORTNEY Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	APPEAL NO. 11A-UI-02971-VST ADMINISTRATIVE LAW JUDGE DECISION OC: 02/20/11 Claimant: Appellant (1)

Section 96.3(4) – Monetary Determination

STATEMENT OF THE CASE:

Claimant filed an appeal from a monetary determination dated March 7, 2011, which held claimant ineligible for unemployment insurance benefits due to lack of earnings. After due notice, a telephone conference hearing was scheduled for and held on April 2, 2011. Claimant participated. The record consists of the testimony of Jill Fortney. Official notice is taken of agency records.

ISSUE:

Whether the monetary determination is correct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant established a claim for benefits with a claim date of February 20, 2011. On May 7, 2011, a monetary determination was sent to the claimant indicating that benefits could not be paid because no wages were reported for the claimant during the base period for this claim. The claimant has not been employed nor has she earned wages since she was laid off by Sepracor Inc on February 20, 2009.

REASONING AND CONCLUSIONS OF LAW:

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 "c", 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.

The evidence established that the claimant does not have qualified earnings for an unemployment claim dated February 20, 2011. She has not been employed nor earned insured wages since February 20, 2009. As a result she is not qualified for benefits due to lack of earnings and the monetary record is correct.

DECISION:

The monetary determination dated March 7, 2011, is correct. The claimant is not eligible for unemployment insurance benefits on a claim dated February 20, 2011, due to lack of earnings.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css