

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL A HATHAWAY
Claimant

APPEAL NO. 12A-UI-09493-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/22/12
Claimant: Appellant (1)

Section 96.4(4) – Monetary Determination

STATEMENT OF THE CASE:

The claimant, Michael Hathaway, filed an appeal from a monetary determination dated July 27, 2012, reference 01. After due notice was issued, a hearing was held by telephone conference call on August 29, 2012. The claimant participated on his own behalf and with Mike Kincaid.

ISSUE:

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

FINDINGS OF FACT:

Michael Hathaway filed a claim for unemployment benefits with an effective date of July 22, 2012. His monetary determination did not include wages paid by Party Pantry. The claimant has contacted his local Workforce Center to file a claim for omitted wages and that is currently being investigated.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-4 provides:

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

4. 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 subsection 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.

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 two hundred fifty dollars, as a condition to receive benefits in the next benefit year.

The administrative law judge does not have any conclusive evidence of the amount of wages paid to the claimant by Party Pantry or the time period during which they were paid. The matter must therefore be resolved by the investigation on the omitted wage claim.

DECISION:

The monetary determination of July 27, 2012, reference 01, is affirmed. The monetary determination is correct until further evidence is provided.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw