

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOANN S DAVIS
Claimant

APPEAL NO: 12A-UI-14245-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT
BENEFIT PAYMENT CONTROL**

OC: 01/01/12
Claimant: Appellant (2-R)

Section 96.3-4 – Determination of Benefits/LQE

STATEMENT OF THE CASE:

The claimant appealed from a department monetary decision record re-determination dated August 23, 2012 that held she lacked qualified earnings, and benefits are denied. A telephone hearing was scheduled for December 26, 2012.

ISSUE:

The issue is whether the monetary record re-determination is correct.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The department issued a monetary record decision that determined claimant had sufficient qualified earnings to be eligible for benefits. It made a re-determination on August 23 she was not eligible due to erroneous wage data. The department benefit payment control unit agrees this decision should be reversed and this matter remanded to it for further review.

Claimant had called in for the hearing and she was notified that a hearing was unnecessary due to favorable department corrective action.

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 administrative law judge concludes that the department re-determination dated August 23, 2012 is reversed and this matter is remanded to Benefit Payment Control for further review.

DECISION:

The department decision dated August 23, 2012 is reversed. This matter is remanded to Benefit Payment Control for further review.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css