

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN C NICHOLS**  
Claimant

**APPEAL NO. 14A-UI-02581-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOC BLACK HAWK COUNTY INC**  
Employer

**OC: 02/16/14**  
**Claimant: Appellant (1)**

Section 96.3(4) -- Monetary Determination

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated March 3, 2014, reference 01, which denied the claimant's request to have wages added to his unemployment insurance claim. After due notice, a hearing was held on March 31, 2014, by telephone conference call. The claimant participated personally. The employer failed to respond to the hearing notice and did not participate. This case was heard in conjunction with appeal 14A-UI-02580-VST.

**ISSUE:**

Whether the claimant can have wages added to his claim.

**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 an original claim for unemployment insurance benefits with an original claim date of February 16, 2014. The claimant filed this claim after a separation of employment from IOC Black Hawk County on January 27, 2014. The claimant's total wages from this employer for the year 2013 were \$4,818.42. The wages were reported for the claimant's lag quarter, which is the fourth quarter of 2013. The claimant did not earn any wages during his base period.

**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 claimant's monetary determination is correct. The claimant did not earn any wages until the fourth quarter of 2013, which is his lag quarter. The claimant is not monetarily eligible for unemployment insurance benefits. The employer correctly reported the claimant's wages for the fourth quarter. The claimant's request to have wages added to his claim is denied.

**DECISION:**

The decision of the representative dated March 3, 2014, reference 01, is affirmed. The claimant's request to add wages to his claim is denied.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/css