

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAELYUN KIM
Claimant

APPEAL NO. 11A-UI-05970-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/13/10
Claimant: Appellant (1)

Section 96.3(4) – Determination of Benefits
871 IAC 24.9(1)b – Appeal from Monetary Determination

STATEMENT OF THE CASE:

Jaelyun Kim filed an appeal from a monetary determination dated March 16, 2011 which advised that his weekly benefit amount had been reduced to \$265.00. After due notice was issued, a hearing was held by telephone on May 24, 2011. Mr. Kim participated personally.

ISSUE:

At issue in this matter is whether Mr. Kim timely appealed the monetary determination mailed March 16, 2011. If the appeal is determined to be timely, the issue then becomes whether the monetary determination it is correct.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Kim filed a claim for job insurance benefits effective June 13, 2010 and was determined to be eligible to receive \$306.00 per week. On March 16, 2011, a notice was mailed to his last-known address of record advising that he weekly benefit amount would be \$265.00. He did not receive the monetary determination.

Mr. Kim's claim was re-determined as a result of the representative's decision issued July 19, 2010, reference 03. The decision held he had voluntarily quit his part-time employment with Best Buy Stores without good cause attributable to the employer but remained eligible to receive benefits based on other base period wage credits. Wages earned with Best Buy Stores were deleted from the claim. The decision of July 19 further advised that Mr. Kim's entitlement might be reduced as a result of the deletion of the wage credits. He did not appeal the decision by the designated due date and, therefore, it became a final decision.

REASONING AND CONCLUSIONS OF LAW:

Mr. Kim had ten days in which to appeal from the monetary determination mailed on March 16, 2011. 871 IAC 24.9(1)b. Because he did not receive the determination, he could not have

perfected an appeal by the due date. For this reason, the appeal filed on May 3, 2011 shall be deemed timely filed.

The administrative law judge concludes that the monetary determination was correct with respect to the new weekly benefit amount it established. Mr. Kim did not appeal the July 19, 2010 decision that resulted in the deletion of wage credits earned with Best Buy Stores. The decision clearly put him on notice that the deletion might result in a reduction in his entitlement. Because he did not appeal the decision, the deletion of Best Buy Stores wage credits as reflected on the monetary determination was correct.

Mr. Kim's highest quarter of earnings was the first calendar quarter of 2010 when he earned \$6,105.80. He does not have any dependents on the claim. Pursuant to Iowa Code § 96.3(4), his weekly benefit amount would be 1/23 of those earnings, which is \$265.00. For the reasons cited herein, the monetary determination shall be affirmed in its entirety.

DECISION:

The monetary determination dated March 16, 2011 is hereby affirmed. Mr. Kim's weekly benefit amount was correctly set at \$265.00 on his claim filed effective June 13, 2010.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs