

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANNA L RANDALL
Claimant

APPEAL 20A-UI-03788-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (2)

Iowa Code § 96.3(4) – Determination of Benefits
Iowa Admin. Code r. 871-24.9(1)b - Dependents

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the May 1, 2020, (reference 01) unemployment insurance decision that denied the request to add a dependent to the claim for benefits. After due notice was issued, a hearing was scheduled to be held on May 26, 2020. Claimant participated.

ISSUE:

Can the claimant's request to add one or more dependents to the claim be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits on March 15, 2020, and listed her son, Owen Randall, as a dependent and his date of birth as April 26, 2018.

On March 20, 2020, Iowa Workforce Development mailed claimant a monetary determination listing zero dependents. The monetary determination states that it becomes final within 10 days of mailing and that if any information is incorrect, claimant must contact Iowa Workforce Development immediately.

On March 30, 2020, claimant attempted to call Iowa Workforce Development's customer service line, but was unable to get through to speak with a representative. The call volume was extremely high at that time due to the COVID 19 pandemic. Claimant tried the customer service line again on March 31, 2020, and was able to speak with a representative and ask that her son be added as a dependent on her claim.

On May 1, 2020, Iowa Workforce Development issued a reference 01 unemployment insurance decision that denied claimant's request as untimely.

Claimant's son is not listed on another non-expired claim. Claimant's son was listed as a dependent on her 2019 income tax filing.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to add a dependent to the claim is timely and is granted.

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 "a", 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.

Iowa Admin. Code r. 871-24.9(1)b provides:

Determination of benefit rights.

24.9(1) Monetary determinations.

b. The monetary record shall constitute a final decision unless newly discovered facts which affect the validity of the original determination or a written request for reconsideration is filed by the individual within ten days of the date of the mailing of the monetary record specifying the grounds of objection to the monetary record.

The Unemployment Insurance Benefits Handbook provides:

DEPENDENTS

The number of dependents is used to help determine your weekly benefit amount and maximum benefit amount. Adding dependents will increase your weekly benefit amount and may increase your maximum benefit amount. A dependent is any individual who was claimed on the prior year's income tax return. A claim may include a maximum of four dependents. Dependents can only be added within 10 days of filing your initial claim. A spouse may be considered a dependent if they earned \$120 or less in wages (excluding self-employment) during the week prior to the claim effective date.

Dependents cannot be:

- Yourself
- Any person already listed on another non-expired claim
- A spouse who listed you on their non-expired claim

Dependents claimed incorrectly may result in an overpayment and may be reviewed by the fraud investigations team.

In this case, claimant initially requested to add her son as a dependent on her claim. When the monetary determination did not reflect that request, claimant attempted to contact IWD within ten days to request a change in the number of the dependents on her claim. Through no fault of her own, claimant was unable to reach IWD on March 30, 2020. Therefore, her request was made one day later when she was able to reach a representative by telephone.

Claimant has made a timely request to add a dependent onto her claim.

DECISION:

The May 1, 2020, (reference 01) unemployment insurance decision is reversed. The claimant's request to add one dependent to the claim is granted. Claimant is entitled to claim one (1) dependent on the claim effective March 15, 2020. A recalculation of benefits shall be made and benefit payments shall be adjusted accordingly.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

May 29, 2020
Decision Dated and Mailed

cal/scn