

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRADLEY J BARTON
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO: 21A-UI-13040-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/28/21
Claimant: Appellant (1)**

Section 96.6-2 – Timeliness of Appeal
871 IAC 24.9(1)b – Timely Monetary Determination

STATEMENT OF THE CASE:

The claimant appealed from the May 20, 2021, reference 01, monetary record. After due notice was issued, a hearing was held by telephone conference call on July 17, 2021. The claimant did participate.

ISSUES:

Whether the claimant filed a timely appeal to the monetary record.

Whether the monetary determination is correct.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A corrected monetary record was mailed to the claimant's last known address of record on May 20, 2021. The claimant received the record. The record contained a warning that an appeal must be postmarked or received by the Appeals Section within ten days of the date of mailing. The appeal was not filed until June 1, 2021. This filing was timely as May 30 fell on a Sunday and May 31, 2021 fell on a holiday.

Claimant's monetary record indicates no earnings in the base year. Claimant acknowledged that as a self-employed individual he is not paid wages and does not pay in to the unemployment insurance fund.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's monetary record is correct. For the following reasons the administrative law judge concludes it is.

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.

**871 IAC 24.9 Determination of benefit rights.
24.9(1)**

Monetary determinations.

a.

When an initial claim for benefits is filed, the department shall mail to the individual claiming benefits a Form 65-5318, Iowa Monetary Record, which is a statement of the individual's weekly benefit amount, total benefits, base period wages, and other data pertinent to the individual's benefit rights.

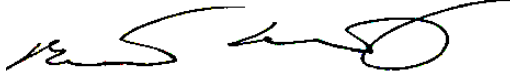
b.

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 claimant earned \$0.00 in the fourth quarter of 2019 and the first three quarters of 2020. The monetary record is correct. Other wages earned were from self employment are not includable for unemployment benefit purposes.

DECISION:

The May 20, 2021, reference 01, monetary record is affirmed. Although the appeal in this case was timely filed, the monetary record was correctly tabulated.



Blair A. Bennett
Administrative Law Judge

July 28, 2021
Decision Dated and Mailed

bab/scn