

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SCOTT JONES
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-16739-SN-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/25/21
Claimant: Appellant (2R)**

Iowa Code § 96.4(4) – Monetary Eligibility

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 28, 2021, monetary record that denied benefits because he did not have sufficient wages in the base period to be eligible to draw benefits. After due notice was issued, a hearing was held on September 22, 2021. The claimant participated. Official notice was taken of the agency records. Exhibits A and B were received into the record.

ISSUE:

The issue is whether the claimant is monetarily eligible for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed for benefits with an effective date of July 25, 2021. His base period spans from the first quarter of 2020 to the first quarter of 2021. The claimant's lagging quarter is the second quarter of 2021. The administrative record WAGE-A shows the claimant's base period and lagging quarter with the following insured wages:

	2/2020	3/2020	4/2020	1/2021	2/2021
NCS Pearson	0	0	0	240	0

The claimant provided the following payroll records:

From March 13, 2021 to March 26, 2021, the claimant made an additional \$1,210.05 on the next pay period which is wholly contained in the first quarter of 2021. (Exhibit A)

From March 27, 2021 to April 9, 2021, the claimant made an additional \$1,155.00 in insured wages. According to the claimant's pay records, he made \$15.00 per hour, so the three days remaining in quarter one would be \$240.00 gross. The remaining \$915.00 would have been earned in the second quarter of 2021. (Exhibit A)

The pay records show the claimant received \$5,949.17 from April 1, 2021 to July 2, 2021. (Exhibit A)

On July 30, 2021, the claimant sent an email to the Iowa Workforce Development Unemployment Insurance claims help email. In the email, the claimant points out that he received wages from NCS Pearson from April 1, 2021 to June 30, 2021. He then asks how he can request an alternative base period for monetary eligibility. (Exhibit B)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible to receive benefits during the current benefit year from other employers.

Iowa Code section 96.4(4)a-b-c provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.1A, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

(2) Employers shall be charged in the manner provided in this chapter for benefits paid based upon quarters used in the alternative base period.

c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

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.

In order to be monetarily eligible, the claimant must essentially meet the three following tests: (1) he must have insured wages in at least two quarters, (2) he must have at least \$1,820.00 in one quarter and \$920.00 in another quarter, and (3) his total base period wages must be more than one and a quarter times his highest quarter wages.

Using the claimant's base period, he clearly does not meet the standard in test two or three for monetary eligibility.

Alternative Base Period

The claimant has elected to calculate his monetary eligibility according to the alternative base period, which pushes the base period one quarter forward.

The claimant has made insured wages in two quarters which meets the standard for the first test.

The claimant appears to have earned roughly \$1,690.05 in insured wages in the first quarter of 2021. The pay records also show he has earned roughly \$5,949.17 in insured wages in the

second quarter of 2021. This meets the standard for the second test because he has higher thresholds than necessary in both quarters.

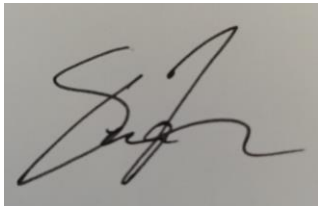
In order to meet the third test, the claimant's entire base period must be more than one and a quarter times his highest quarter. One and a quarter times \$5,949.17 is \$7,436.46. The claimant's base period wages under the alternative base period calculation is \$7,639.67.

DECISION:

The July 28, 2021, monetary record is reversed. The claimant is monetarily eligible under the alternative base period calculation.

REMAND:

The administrative law judge is remanding to the Benefits Bureau the determination of the claimant's weekly benefit amount using the wages delineated in the findings of fact.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is written over a light gray rectangular background.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

September 28, 2021
Decision Dated and Mailed

smn/mh