

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWNTAI SHARP
Claimant

APPEAL 17A-UI-03458-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/01/17
Claimant: Appellant (1)**

Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year
Iowa Code § 96.3(4) – Determination of Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 31, 2017 corrected monetary decision. After due notice was issued, a telephone conference hearing was held on April 20, 2017. Claimant participated.

ISSUES:

Is the monetary record dated January 31, 2017, correct?
Is the claimant monetarily eligible for benefits effective January 1, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant worked seasonally for M A Mortenson Co. (138091) in the third and fourth quarters of 2016. She was paid gross wages of \$1672.00 in the third quarter and \$6749.00 in the fourth quarter. She wanted the wages she earned in September 2016, and was paid in October 2016, to be included in the quarterly wage report for the third quarter of 2016, rather than the fourth. She has been communicating with IWD customer service representatives each week since her separation from employment. She was instructed to wait until the first quarter of 2017 to file her claim as she would have not been eligible in the fourth quarter of 2017. This information was partially incorrect. She filed her claim effective January 1, 2017, which placed her base period from the fourth quarter of 2015, through the third quarter of 2016. This left her with only one quarter of wages in the base period. The wages in the fourth quarter of 2016, are not included in the base period and fall into the “lag” quarter, which does not count towards the benefit year wages or benefit calculation. She has no other income from other employment during the base period when she was not working for Mortenson.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the monetary record is correct.

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

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

4. 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.

Since the proffered wages do not fall within the base period for this claim year, the monetary record is correct.

Even were claimant to file a claim year effective April 2, 2016, which would include wages from the third and fourth quarters in the base period, she would not meet the requirement of having "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." In that base period the high quarter wages would be \$6749. One and one-quarter of that amount is rounded to \$8436. The combined base period wages are \$8421, which is less than \$8436, the required amount for eligibility.

DECISION:

The January 31, 2017, corrected monetary record is affirmed. Claimant is not monetarily eligible for benefits on this claim. Nor would she be eligible for a claim filed in the second quarter of 2017.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

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