

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRIS RASSO
Claimant

APPEAL NO: 06A-UI-08932-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08-06-06 R: 12
Claimant: Appellant (2)**

Section 96.3-4 – Adding Dependents to Claim

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 31, 2006, reference 03, decision that denied her request to add a dependent to her claim. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 21, 2006. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant can add dependents to this claim.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant spoke to a Department representative on July 19, 2006, and believed her claim was set up with her husband as a dependent. She was not aware he was not included as a dependent until she received her first unemployment insurance benefit check.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant can add her husband as a dependent to her claim.

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 "c", 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 Code section 96.6-1 provides:

1. Filing. Claims for benefits shall be made in accordance with such regulations as the department may prescribe.

The claimant told the Department about her husband's medical condition and was informed he would qualify as a dependent. The claimant reasonably believed he had been added to her claim as a dependent until she received her first check, at which time it became apparent to her that he had not been added. Consequently, because the claimant believed she had taken the steps necessary to add her husband as a dependent, the administrative law judge concludes the claimant may add her husband to her claim as a dependent.

DECISION:

The August 31, 2006, reference 03, decision is reversed. The claimant's husband shall be added to her claim as a dependent. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs