

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DOUGLAS KINNEY**  
Claimant

**APPEAL 21A-UI-13003-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/04/21  
Claimant: Appellant (1)**

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Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year  
Iowa Admin. Code r. 871-24.9(1) –Appeal to Monetary Record

**STATEMENT OF THE CASE:**

On May 27, 2021, Douglas Kinney (claimant) filed an appeal from the April 7, 2021, reference 01, monetary record. After due notice was issued, a telephone conference hearing was held on July 17, 2021. The claimant participated. Rebecca Douglas, his wife, provided testimony. No exhibits were offered or admitted into the record.

**ISSUES:**

Did the claimant file a timely appeal to the monetary record?

Is the monetary record dated April 7, 2021, correct?

Is the claimant monetarily eligible for regular unemployment insurance benefits effective April 4, 2021?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed the original claim for benefits effective April 4, 2021. The base period for the claim covers the four quarters of 2020. The claimant earned wages of \$16,506.00 in the first quarter of 2020 and \$2,417.00 in the second quarter of 2020. The claimant does not dispute the wages included on the monetary record.

On April 7, 2021, Iowa Workforce Development (agency) mailed a monetary record showing the claimant lacked qualified earnings to the claimant's last known address of record. He received the record within ten days. The record contained a warning that an appeal must be postmarked or received by the Appeals Bureau within ten days of the date of filing. The appeal was not filed until May 27, which is after the date noticed on the disqualification decision, because the claimant did not read the back of the monetary record.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's monetary record is correct. He lacks qualified earnings for the claim filed effective April 4, 2021.

Iowa Code section 96.4(4)a and c provide:

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. [Emphasis added.]

...

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

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 claimant's appeal to the monetary record was not filed within ten days. Additionally, he has not provided any facts which affect the validity of the monetary determination. The claimant's total wages earned in the base period, \$18,923.00, is not greater than one and a quarter times the wages in his highest quarter, or \$20,632.50. Accordingly, he lacks qualified earnings to establish a claim for unemployment insurance benefits effective April 4, 2021.

**DECISION:**

The April 7, 2021, monetary determination is affirmed. The claimant lacks qualified earnings to establish a claim for unemployment insurance benefits effective April 4, 2021



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Stephanie R. Callahan  
Administrative Law Judge

July 28, 2021  
Decision Dated and Mailed

src/lj