

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESUS J RODRIGUEZ**  
Claimant

**APPEAL NO. 15A-UI-08220-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/21/15  
Claimant: Appellant (1)**

Iowa Code Section 96.3(4) – Monetary Record

**STATEMENT OF THE CASE:**

Jesus Rodriguez filed a timely appeal from the Monetary Record that was mailed to him on July 6, 2015. After due notice was issued, a hearing was held on August 12, 2015. Mr. Rodriguez participated. Spanish-English interpreter George Diaz assisted with the hearing. Exhibits One, Two and Three were received into evidence.

**ISSUE:**

Whether the monetary record that was mailed to Mr. Rodriguez set the correct weekly benefit amount and maximum benefit amount.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Jesus Rodriguez established an original claim for benefits that was effective June 21, 2015. The base period for purposes of the claim consists of the four quarters of 2014. The sole base period employer was Weitz Industrial, L.L.C. (employer account number 335198). During the base period, Mr. Rodriguez had wages from Weitz as follows. The wages paid during the first quarter of 2014 were \$1,142.46. The wages paid for the second quarter of 2014 were \$22,780.13. The wages paid for the third quarter of 2014 were \$20,888.53. The wages paid for the fourth quarter of 2014 were \$23,780.48. Mr. Rodriguez concedes that the wages reported by the employer and documented by Workforce Development are an accurate statement of his quarterly wages. Mr. Rodriguez's highest earning base period quarter was the fourth quarter of 2014. Mr. Rodriguez is not married. Mr. Rodriguez is father to, and non-custodial parent of two daughters, ages 18 and 14. Both daughters live with their mother in California. Mr. Rodriguez pays child support, not court-ordered, and claims both daughters as dependents when he files his income taxes.

On July 6, 2015, Iowa Workforce Development mailed a Monetary Record to Mr. Rodriguez at his last known address of record. The monetary record set forth the quarterly wages as indicated above. The monetary record indicated two dependents on the claim. The monetary record set a weekly benefit amount of \$448.00 and a maximum benefit amount of \$11,648.00.

**REASONING AND CONCLUSIONS OF LAW:**

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.

To arrive that the correct weekly benefit amount, Workforce Development was first required taking the \$23,780.48 in wages from the highest earning base period quarter and dividing that amount by 22 pursuant to the procedure outline at Iowa Code section 96.3(4). That calculation yields a weekly benefit amount of \$1,080.93. Workforce Development was then required to compare that amount to the maximum percentage (57%) of the statewide average weekly wage. See Iowa Code section 96.3(4). The statewide average weekly wage is calculated by the Workforce Development Benefits Bureau on an annual basis. Effective July 6, 2014, the Agency calculated the average weekly wage at \$785.00. Accordingly, Mr. Rodriguez's weekly benefit amount on a claim that included two dependents could not exceed 57 percent of \$785.00, or \$448.00. That was the amount set forth on the monetary record. The \$511.00 maximum that would apply to a claimant with four or more dependents on the claim did not apply to Mr. Rodriguez, who had only two dependents to put on his claim. Based on the \$448.00 maximum weekly benefit amount, Mr. Rodriguez's maximum total benefit amount on a claim that included two dependents could not exceed \$11,648.00 (\$448.00 x 26 weeks).

The evidence in the record establishes that Iowa Workforce Development correctly calculated both the weekly benefit amount and the maximum benefit. The Monetary Record that was mailed to Mr. Rodriguez on July 6, 2015 contained the correct amounts.

**DECISION:**

The Monetary Record mailed to the claimant on July 6, 2015 is affirmed as correct.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/mak