

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY N GACH
Claimant

APPEAL NO. 08A-UI-05017-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/23/07 R: 02
Claimant: Appellant (2)**

Section 96.3-4 – Computing Benefits

STATEMENT OF THE CASE:

Mary N. Gach filed a timely appeal from an unemployment insurance decision dated May 22, 2008, reference 01, that denied her request to add dependents to her unemployment insurance claim filed effective December 23, 2007. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not necessary.

ISSUE:

Can dependents be added to this claim for benefits?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Mary N. Gach filed a claim for unemployment insurance benefits during the week of December 23, 2007. Ms. Gach speaks little English. Her native tongue is Nuer. When she filed her claim for unemployment insurance benefits, she did not realize that she could list dependents. She has four children who were claimed as dependents for income tax purposes on her tax returns for 2007. They are Dut Gatluak, Nyabile Gatluak, Nyathak Gatluak, and Tasloach Gatluak.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-4 allows claimants to list dependents for their unemployment insurance claims. Children who are claimed as dependents for income tax purposes on the claimant's most recent tax returns before filing the claim or on the income tax returns filed immediately after the unemployment insurance claim may be included as dependents for unemployment insurance purposes. The evidence in this record persuades the administrative law judge that the children named in the findings of fact are eligible to be added as dependents to Ms. Gach's claim. While the request for additional dependents was filed later than contemplated by the statute, the evidence in the record persuades the administrative law judge that it is appropriate to add the dependents at this date because of the claimant's limited skills in English.

DECISION:

The unemployment insurance decision dated May 22, 2008, reference 01, is reversed. The claimant is entitled to the inclusion of four dependents for the computation of her unemployment insurance benefits for the benefit year beginning December 23, 2007.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/css