

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**VOLODYMYR SUKHOY**  
Claimant

**APPEAL 20A-UI-10673-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STATE UNIVERSITY**  
Employer

**OC: 08/16/20**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

On September 3, 2020, the claimant filed an appeal from the August 24, 2020, monetary determination that found claimant ineligible for benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 20, 2020. Claimant participated. Employer participated through representative Heather Smith. Smith did not testify. Claimant's Exhibit A was received.

**ISSUES:**

Is the monetary determination correct?  
Is the claimant monetarily eligible for unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in August 2005. Claimant was a full-time student. Claimant graduated with his PhD in electrical and computer engineering in December 2019.

Claimant worked for employer as a part-time lecturer from January 2020 until August 7, 2020. Claimant was not as a student or enrolled with Iowa State in any capacity during that time period. Taxes were deducted from claimant's wages.

Claimant's base period encompasses the last three quarters of 2019 and the first quarter of 2020. No wages appear in the first or second quarter of 2020 for claimant.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4(4)a-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.

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 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 "a", 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.

The claimant has presented sufficient and credible evidence to establish insured wages in the first two quarters of 2020. Those wages shall be included in Iowa Workforce Development's wages records for claimant and a new monetary determination based on an alternate base period shall be calculated.

**DECISION:**

The August 24, 2020, monetary determination is modified in favor of claimant. Iowa Workforce Development shall add the insured wages included in Claimant's Exhibit A to the first two quarters of 2020 for claimant and shall recalculate his monetary determination using an alternate base period.



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Christine A. Louis  
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October 22, 2020  
Decision Dated and Mailed

cal/sam