

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMMYJO A BROADSTON
Claimant

APPEAL NO. 13A-UI-05250-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/10/13
Claimant: Appellant (2)**

Iowa Code § 96.3(4) – Determination of Benefits

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the April 26, 2013, reference 02, decision that denied her request to add dependents to her claim for benefits. After due notice was issued, a hearing was held on May 30, 2013. Claimant participated.

ISSUE:

The issue is whether the claimant's request to add a dependent to the claim should be granted.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed her claim for benefits over the telephone with a representative. The representative never asked the claimant about dependents. The Agency recorded that the claimant as having no dependents. On April 23, 2013, the claimant discovered the problem and on April 24, 2013, the claimant asked to have the record corrected.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to add a dependent to the claim is granted.

Iowa Code § 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.

The worker did not ask the claimant at the time that she applied for benefits about her dependents. Due to a departmental error her dependent shall be allowed. The claimant is allowed to declare her one (1) dependent on her claim for unemployment insurance benefits.

DECISION:

The April 26, 2013, reference 02, decision is reversed. The claimant's request to add one (1) dependent to the claim is granted. Claimant is entitled to claim her one (1) dependent on her claim effective March 11, 2013.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css