

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOMINIREESE D TURNER
Claimant

APPEAL NO: 11A-UI-16167-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/14/11
Claimant: Appellant (1)**

Section 96.3-4 – Determination of Benefits

STATEMENT OF THE CASE:

The claimant appealed from a department monetary decision record dated December 7, 2011 that held he was eligible for weekly benefits of \$229.00, with a maximum benefit amount of \$2,277.52. A telephone hearing was scheduled for January 23, 2012. The claimant did not participate.

ISSUE:

The issue is whether the monetary determination is correct.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The department issue a corrected monetary record decision on December 7, 2011 that showed wages earned by the claimant with CRST Van Expedited Inc for the fourth quarter of 2010, and the first and second quarters of 2011. It also showed wages earned by claimant with Maryland for the third quarter of 2010. The decision shows claimant is eligible for weekly benefits of \$229.00 and maximum benefits of \$2,277.52 on his August 14, 2011 unemployment claim.

The claimant failed to respond to the hearing notice.

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.

The administrative law judge concludes that the department monetary record corrected December 7, 2011, showing claimant has qualified earnings on his August 14, 2011, is affirmed.

The claimant failed to participate in this hearing to offer evidence the department made any error in recording his wages earned with his employers for the quarters indicated that made him eligible for benefits.

DECISION:

The department decision dated December 7, 2011 is affirmed. The claimant has sufficient earnings on his corrected monetary record to be eligible for benefits.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw