

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LANDON M BROWN**  
Claimant

**M J ELECTRIC**  
Employer

**APPEAL 19A-UI-10098-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/08/19**  
**Claimant: Appellant (2R)**

Iowa Code § 96.3(4) – Determination of Benefits  
Iowa Code § 96.4(4)a-c – Monetary Eligibility

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal to the December 12, 2019 monetary record and determination that found a lack of qualified earnings and denied benefits. After due notice was issued, a telephone hearing was held on January 16, 2020. Claimant participated. Employer, MJ Electric, participated through Emily Ellis, HR Clerk. The administrative law judge took official notice of the administrative records. Documents supplied after the hearing containing proof of earnings for this employer were admitted as Claimant Exhibit A. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Is the monetary record correct? Is the claimant eligible for benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim with an effective date of December 8, 2019 in response to a temporary layoff with the employer. The base period for the claim year covers the third and fourth quarters of 2018, and the first and second quarters of 2019.

Claimant began employment in 2018 for this employer. He works in Iowa on site but the company is based out of Michigan. The employer reported the following wages for the claimant:

2018, third quarter: \$12,522.57  
2018, fourth quarter: \$35,566.93  
2019, first quarter: \$17,855.40  
2019, second quarter: \$19,877.40

No wages appear in claimant's base period.

Proof of claimant's earnings are contained in Claimant Exhibit A.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that wages should be added to the claim and claimant's monetary eligibility for benefits should be determined accordingly.

Iowa Code section 96.4(4)a-b-c provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

(2) Employers shall be charged in the manner provided in this chapter for benefits paid based upon quarters used in the alternative base period.

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 "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 claimant has presented sufficient and credible evidence to establish insured wages in the quarters outlined above. Those wages shall be included in the monetary record for this base period and the monetary eligibility shall be determined. The employer shall be notified of the claim and shall have the opportunity to protest payment of benefits.

**DECISION:**

The December 12, 2019 monetary determination is reversed. The wages outlined above shall be included in the monetary record and claimant's monetary eligibility shall be determined.

**REMAND:** The unrecorded wage issue delineated in the findings of fact is remanded to the tax section of Iowa Workforce Development for addition of the wages according to the evidence contained in Claimant's Exhibit A.

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Jennifer L. Beckman  
Administrative Law Judge  
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Decision Dated and Mailed

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