

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BENJAMIN R CUENTAS
Claimant

APPEAL NO. 20A-UI-05504-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/31/20
Claimant: Respondent (1R)**

Iowa Code § 96.3-4 – Monetary Record

STATEMENT OF THE CASE:

Claimant filed an appeal from a monetary record determination dated May 31, 2020, reference 01, which laid out claimant's monetary record. After due notice, a telephone conference hearing was scheduled for and held on July 9, 2020. Claimant participated personally and witness Erin Cuentas.

ISSUE:

The issue is whether the claimant's monetary record is correct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was born and raised in Iowa and has multiple members of his family still living in the state. Claimant has been in active duty with the US Army between 2007 and 2020. His most recent placement had been in Fort Louis in Washington.

Claimant moved back to Iowa in 2020. Although he found a couple jobs he worked a few days, he was unable to find suitable employment. While living in Iowa, claimant filed for unemployment. Claimant's monetary record that was produced upon his filing for unemployment showed no wages during his base period.

Claimant stated that he had forwarded his DD214 to IWD on multiple occasions and he still retains a copy if needed.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's monetary record is correct. For the following reasons the administrative law judge concludes it is for the time being as the administrative law judge has no access to claimants military pay.

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.

**871 IAC 24.9 Determination of benefit rights.
24.9(1)**

Monetary determinations.

a.

When an initial claim for benefits is filed, the department shall mail to the individual claiming benefits a Form 65-5318, Iowa Monetary Record, which is a statement of the individual's weekly benefit amount, total benefits, base period wages, and other data pertinent to the individual's benefit rights.

b.

The monetary record shall constitute a final decision unless newly discovered facts which affect the validity of the original determination or a written request for reconsideration is filed by the individual within ten days of the date of the mailing of the monetary record specifying the grounds of objection to the monetary record.

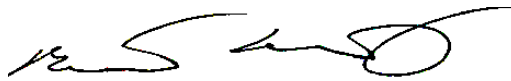
The monetary record is correct as it stands, although it does not include military earnings. This matter will be remanded to the benefits bureau for further investigation into this matter such that it may obtain claimant's DD214 and other necessary wage information.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment

Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The monetary record determination dated May 31, 2020, reference 01, is affirmed as it exists for now, but remanded to the benefits bureau for further investigation into claimant's military record and earnings.



Blair A. Bennett
Administrative Law Judge

July 16, 2020
Decision Dated and Mailed

bab/scn