

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CURTIS A HOKINSON
Claimant

APPEAL NO. 08A-DUA-00040-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEDERAL UNIT
ADMINISTRATIVE OFFICE

OC: 05/25/08 R: 01
Claimant: Appellant (1)

20 CFR 625.6 - Weekly Amount of DUA

STATEMENT OF THE CASE:

The claimant appealed a Disaster Unemployment Assistance (DUA) decision dated July 10, 2008, that concluded the claimant was entitled to \$198.00 per week in DUA benefits. A telephone hearing was held on October 13, 2008. The claimant participated in the hearing. Exhibits A and One were admitted into evidence at the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

What is the correct weekly benefit amount of DUA for the claimant?

FINDINGS OF FACT:

The claimant filed an initial application for DUA on July 10, 2008, with an effective date of May 25, 2008. The claimant had a net profit from his self-employment of \$1,396.00 in 2007. As of May 25, 2008, the average weekly payment of regular unemployment compensation in Iowa was \$294.00.

REASONING AND CONCLUSIONS OF LAW:

"The Robert T. Stafford Disaster Relief and Emergency Assistance Act" includes a program for the payment of unemployment assistance benefits to individuals unemployed as a result of a major disaster. See 42 USC §§ 5177, 5189a; 20 CFR Part 625. Under the pertinent federal regulations, the amount of DUA payable to an unemployed individual shall be the weekly amount of regular unemployment compensation the individual would have been paid, as computed under the provisions of the state law and based on the individual's income during the previous tax year. However, if the weekly amount is less than 50 percent of the average weekly payment of regular compensation in the state or the individual has insufficient wages from employment or insufficient or no net income from self-employment to compute a weekly amount, the individual is entitled to a weekly amount equal to 50 percent of the average weekly payment of regular compensation in the state. 20 CFR § 625.6.

In this case, the claimant had a net profit of \$1,396.00 from his self-employment in 2007. The claimant's weekly DUA amount was correctly determined to be \$198.00, which is derived from claimant's net profit from farming for tax year 2007. The prior tax year income determines the weekly benefit amount.

DECISION:

The DUA decision dated July 10, 2008, is affirmed. The claimant's weekly amount of DUA was correctly determined to be \$198.00

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw