

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHAD A TURNER
Claimant

APPEAL NO: 20A-UI-03932-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

OC: 04/05/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 2, 2020, decision that denied his request to add a dependent. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 2, 2020. The claimant participated in the hearing. The administrative law judge took official notice of the monetary record.

ISSUE:

The issue is whether the claimant's request to add one or more dependents to the claim should be granted.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits effective April 5, 2020, (reference 01), and failed to list his son, Chase Adrienne Turner (04/28/15) as his dependent. His monetary record was mailed to him on April 5, 2020, giving him until April 15, 2020, to make a request to add a dependent. The claimant received the monetary record and noticed that his son was missing as a listed dependent after he received his second benefit check. The claimant contacted Iowa Workforce Development (IWD) because when opening his claim, he was not asked about other employers. He did not bring up the issue of his dependent when speaking to the representative. When the claimant received his monetary record, he did not appeal until April 23, 2020, which was not within the ten days allowed.

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 not timely and must be denied.

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.

The claimant received his monetary record and two benefit payments and did not contact the Department about his number of dependents until April 23, 2020. His request at that time was not timely as claimant's are allowed ten days to request to change their number of dependents. Therefore, the claimant's request must be denied.

DECISION:

The May 2, 2020, representative's decision is affirmed. The claimant's request to add his dependent to the claim is denied because it was not timely.



Julie Elder
Administrative Law Judge

June 16, 2020
Decision Dated and Mailed

je/mh