

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LISA L HISE**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 22A-UI-01492-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

Iowa Code § 96.3(4) – Payment – Benefit Determination  
Iowa Code § 96.4(4) – Eligibility  
Iowa Admin. Code R. 871-24.9(1)B- Monetary Determination  
Iowa Code § 96.6(2) – Timeliness of Appeal

**STATEMENT OF THE CASE:**

On December 21, 2021, claimant filed an appeal from the April 7, 2020 monetary determination that found she lacked qualified earnings. Claimant was properly notified of the hearing. A telephone hearing was held on February 8, 2022. The hearing was held together with appeals 22A-UI-01493-CS-T and 22A-UI-01494-CS-T and combined into one record. Claimant participated at the hearing. No exhibits were admitted. Official notice was taken of the administrative record, including DBIN-1 and DBIN-2.

**ISSUES:**

Did claimant timely appeal the monetary determination?  
Whether claimant's monetary determination is correct.  
Whether claimant is monetarily eligible to receive benefits.

**FINDINGS OF FACT**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an initial claim for benefits effective March 29, 2020. The base period for that claim year begins with the fourth quarter of 2018 and ends with the third quarter of 2019.

Claimant's earnings for each quarter during the March 29, 2020 base period are as follows:

Fourth quarter of 2018: \$0.00  
First quarter of 2019: \$0.00  
Second quarter of 2019: \$0.00  
Third quarter of 2019: \$0.00

Claimant was not monetarily eligible for benefits with a claim effective date of March 29, 2020. Claimant was mailed a monetary determination on April 7, 2020 and stated she lacked qualified earnings. The claim date listed on the monetary determination was April 5, 2020.

When the new quarter occurred in April 2020 a new claim effective April 5, 2020, was filed for claimant to determine if she was eligible for benefits. Claimant was deemed monetarily eligible in the new claim filed for claimant. Prior to the fourth quarter of 2019 claimant was working in Missouri. Claimant's Missouri wages were transferred to Iowa. In the April 5, 2020, claim, claimant's weekly benefit amount was \$124.00. A corrected copy of the monetary determination was mailed to claimant on April 10 2020. Claimant started receiving benefits on or about April 16, 2020.

Although claimant was monetarily eligible in the April 5, 2020 claim, claimant did not receive benefits in that claim year because she was deemed ineligible because she was not able to and available for work. Claimant was receiving benefits under the attempted March 29, 2020 claim. Claimant did not appeal the monetary determination because she was receiving her corrected benefit amount as reported in the April 10, 2020 corrected copy of the monetary determination. Claimant did not become aware she was receiving benefits under the attempted March 29, 2020, claim until she received the overpayment decisions dated December 15, 2021.

#### **REASONING AND CONCLUSIONS OF LAW:**

The first issue to be considered in this appeal is whether the appellant's appeal of the monetary determination is timely. The administrative law judge determines it is.

Iowa Code section 96.6(2) provides:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from

the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant's failure to file an appeal within the appeal period was solely because of incorrect information received from IWD. Claimant found out about the misinformation upon receipt of the overpayment decision, which she timely appealed. This delay was prompted by and perpetuated by the agency. See, Iowa Admin. Code r. 871-24.35(2). Therefore, the appeal shall be accepted as timely.

The next issue that must be determined is whether claimant is monetarily eligible for benefits in the March 29, 2020 claim. For the reasons that follow, the administrative law judge concludes claimant is not monetarily eligible to receive benefits in the March 29, 2020 claim.

Iowa Code section 96.4(4)(a) 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.

Claimant must have wages in at least two quarters during the base period. Effective July 7, 2019, claimant is required to have earned at least \$1,660.00 in the highest quarter of earnings and at least \$830.00 in the second highest quarter of earnings. Claimant's total base period earnings must be at least 1.25 times the wages earned in the highest quarter.

Claimant did not have any wages during her base period in Iowa for the attempted March 29, 2020 claim year. As a result, claimant is not eligible to receive benefits during the attempted claim year beginning March 29, 2020.

**DECISION:**

Claimant's appeal is timely.

The April 7, 2020 monetary determination is affirmed. Claimant is not eligible to receive benefits during the attempted claim year beginning March 29, 2020.

A handwritten signature in black ink that reads "Carly Smith". The signature is written in a cursive, flowing style. The "C" is large and loops around the "arly". The "Smith" is written in a more standard cursive. There is a small mark below the signature.

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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

February 28, 2022  
Decision Dated and Mailed

cs/mh

**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.