

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHANNES J SCHNELL**  
Claimant

**APPEAL NO. 09A-UI-11261-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/05/09  
Claimant: Appellant (1)**

Section 93.5-4 – Determination of Benefits

**STATEMENT OF THE CASE:**

Johannes Schnell (claimant) appealed his monetary record dated July 30, 2009 (reference 01) that concluded he was not eligible to receive unemployment insurance benefits. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was held on August 24, 2009. The claimant participated personally.

**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 that: The claimant filed for unemployment insurance benefits with an effective date of July 5, 2009. The claimant's base period of employment includes the second quarter of 2008 through the first quarter of 2009. The monetary record showed 2008 second quarter wages of \$636.00, third quarter wages of \$736.00, fourth quarter wages of \$39.00, and first quarter of 2009 wages of \$1,271.00.

The computer shifted the wages into the wrong quarter when the monetary record was printed. Actual wages should reflect 2008 second quarter wages of \$91.00, third quarter wages of \$636.00, fourth quarter wages of \$736.00, and first quarter of 2009 wages of \$39.00. The computer currently reflects wages in the correct quarters.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant's monetary record was not correct.

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.

Actual wages should reflect 2008 second quarter wages of \$91.00, third quarter wages of \$636.00, fourth quarter wages of \$736.00, and first quarter of 2009 wages of \$39.00. The computer currently reflects wages in the correct quarters. The monetary record has been corrected.

**DECISION:**

The monetary record dated July 30, 2009 (reference 01) is affirmed. The monetary record has been corrected.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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