

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVEN W CLARK
Claimant

APPEAL 18A-UI-04150-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/25/18
Claimant: Appellant (4R)

Iowa Code § 96.4(4) – Determination of Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 30, 2018 monetary determination. After due notice was issued, a telephone hearing was held on April 27, 2018. Claimant participated. Claimant's Exhibit A was admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUES:

Did the claimant file a timely appeal to the monetary record and is the monetary record correct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed his appeal to the March 30, 2018 monetary record on April 4, 2018, which was within ten days of the date of mailing of the monetary record. The base period for the claim year effective March 25, 2018 covers the fourth quarter of 2016, and the first, second, and third quarters of 2017. Claimant worked for URS Corporation and AECOM Technical Services, Inc. (which had an office in Nebraska) during the fourth quarter of 2016 and during the first, second and third quarters of 2017. See Exhibit A. At some time in 2017, AECOM Technical Services Inc. purchased URS Corporation. Claimant worked approximately 20 hours per week at an hourly rate of pay of \$25.73. The wages earned from URS Corporation and AECOM Technical Services, Inc. was not included in the March 30, 2018 monetary record that was mailed to the claimant. Claimant's employment with AECOM Technical Services, Inc. ended on or about September 1, 2017. Claimant began working for Iowa Department of Human Services/Glenwood on September 11, 2017.

An investigation of whether wages earned from URS Corporation and AECOM Technical Services, Inc. should be included as wages for the claimant's base period shall be remanded to the tax section of Iowa Workforce Development for a determination.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant filed a timely appeal to the monetary record. Further, it appears that based upon earnings with URS

Corporation and AECOM Technical Services, Inc., the claimant may have sufficient wages earned in Iowa and Nebraska during his base period to make him monetarily eligible for benefits.

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:

4. 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.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.1(11) provides:

Base period. The period of time in which the amount of wages paid to an individual in insured work which determines an individual's eligibility for, and the amount and duration of, benefits. The base period consists of the first four of the last five completed calendar quarters immediately preceding the calendar quarter in which the individual's claim for benefits is effective with the following exception. The department shall exclude three or more calendar quarters from the individual's base period in which the individual received workers' compensation or indemnity insurance benefits and substitute consecutive calendar quarters immediately preceding the base period in which the individual did not receive workers' compensation or indemnity insurance benefits. This exception applies under the following conditions:

- a. The individual did not work in and receive wages from insured work for three calendar quarters of the base period, or
- b. The individual did not work in and receive wages from insured work for two calendar quarters and lacked qualifying wages from insured work to establish a valid claim for benefits during another quarter of the base period.

The claimant has presented sufficient and credible evidence to establish that he has earned wages in the fourth quarter of 2016, the first quarter of 2017, the second quarter of 2017, and the third quarter of 2017. The matter of whether the wages should be included in the monetary record for claimant's base period shall be remanded to the tax section of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The claimant filed a timely appeal to the monetary record that was mailed on March 30, 2018. The March 30, 2018, monetary record is modified in favor of appellant pending an investigation by the tax section of Iowa Workforce Development.

REMAND:

The unrecorded wage issue delineated in the findings of fact is remanded to the tax section of Iowa Workforce Development for a determination of whether wages from URS Corporation and AECOM Technical Services, Inc. should be included as wages for the claimant's base period. Claimant's monetary eligibility shall be reevaluated after that investigation and determination.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs