

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEPHANIE A ARIVIDSON
Claimant

APPEAL 19A-UI-00835-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/20/19
Claimant: Appellant (4)**

Iowa Code § 96.3(4) – Determination of Benefits
Iowa Admin. Code r. 871-24.9(1)b - Dependents

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the monetary record mailed to her on January 23, 2019 with an effective date of January 20, 2019. After due notice was issued, a hearing was held on February 14, 2019. Claimant participated.

ISSUE:

Can the claimant's request to add a dependent to the claim be granted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed her claim via her cell phone and mistakenly left her seventeen-year-old son off her claim. The claimant is entitled to claim the child as a dependent on her taxes. The claimant filed her request to add a dependent within the ten days she was allowed to appeal her monetary record. Claimant has claimed her son as a dependent during a prior claim year.

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 timely and is granted.

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.

Iowa Admin. Code r. 871-24.9(1)b provides: Determination of benefit rights.
24.9(1) Monetary determinations.

b. The monetary record shall constitute a final decision unless newly discovered facts which affect the validity of the original determination or a written request for reconsideration is filed by the individual within ten days of the date of the mailing of the monetary record specifying the grounds of objection to the monetary record.

Because the claimant timely requested the addition of the dependent, she has established a good reason to add a dependent to the claim. The addition of one dependent, claimant's seventeen-year-old son to the monetary record for a total of one (1) dependent is granted.

DECISION:

The monetary record mailed to claimant on January 23, 2019, with an effective date of January 20, 2019 is modified to include the claimant's one son as a dependent. A recalculation of benefits shall be made and benefit payments shall be adjusted accordingly.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs