

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

COLLEEN K KEHRET
Claimant

APPEAL 18A-UI-01112-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/14/18
Claimant: Appellant (4R)**

Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year
Iowa Code § 96.3(4) – Determination of Benefits
Iowa Admin. Code r. 871-24.9(1)b - Dependents

STATEMENT OF THE CASE:

Colleen K. Kehret (claimant) filed a timely appeal from the January 22, 2018, monetary determination. After due notice was issued, a telephone conference hearing was held on February 16, 2018. The claimant participated. During the hearing, the claimant waived notice on the issue of whether she could add a dependent to her monetary record.

ISSUES:

Should claimant's request to amend the monetary determination be granted?

Can the claimant's request to add one or more dependents 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 a claim for unemployment insurance benefits with an effective date of January 14, 2018. A monetary determination was mailed to the claimant on January 22, 2018. The monetary determination indicates the claimant's last place of employment was not permanently closed.

On January 25, 2018, claimant filed an appeal asking for the monetary determination to be amended to indicate that her last employer, Montagne, Inc. (279299), permanently closed. The claimant also requested to add her husband, Dale Edward Kehret (Kehret), be added as a dependent. He does not currently work as he retired effective December 1, 2017. The administrative record shows he does not have a current claim for unemployment insurance benefits. No initial determination has been made by the Benefits Bureau on whether the claimant's monetary determination should be recalculated based due to a business closure.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to amend her monetary determination to indicate her last employer permanently closed and add a dependent is timely.

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.

In this case, the claimant made a timely request to amend her monetary determination to indicate her last employer permanently closed and to add a dependent. The claimant filed her appeal and made her requests within ten days of the mailing date on the Statement of Charges.

DECISION:

The January 22, 2018, monetary determination is modified in favor of appellant to indicate she reported that she lost employment due to a business closure. Additionally, her husband shall be added as a dependent to her monetary record.

REMAND:

This matter is remanded to the Benefits Bureau for a recalculation of her monetary eligibility due to adding a dependent and for an investigation and initial determination of whether the claimant's monetary determination should be recalculated due to a business closure of Montagne, Inc. (279299).

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn