

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRANDAN J KAFKA
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 20A-UI-08304-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (4)

Iowa Code § 96.3-4 – Monetary Record
871 IA Admin Code §24.9(1)B – Timely Appeal Monetary Record

STATEMENT OF THE CASE:

Claimant filed an appeal from a monetary record determination dated April 5, 2020, reference 01, which laid out claimant's monetary record. After due notice, a telephone conference hearing was scheduled for and held on August 26, 2020. 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: Claimant has worked for Rasmussen Mechanical since 2009. Rasmussen Mechanical is an Iowa company. Claimant lives in Nebraska. Claimant originally filed his unemployment claim in Nebraska. On April 5, 2020 claimant filed an unemployment claim in Iowa as he was informed all other employees filed in Iowa. When claimant was originally assessed in this matter, his wages had already been transferred to Nebraska, so they did not appear on his Iowa claim. Claimant's Iowa claim was denied.

Recently, IWD has issued new monetary records. On August 19, 2020 IWD issued a corrected monetary record on the April 5, 2020 filing by claimant. This allowed benefits. On August 25, 2020 IWD issued a monetary record on a combined wage claim with Nebraska. The original claim date is listed as July 12, 2020.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's monetary record is correct. For the following reasons the administrative law judge concludes that the amended monetary record is.

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.

871 IAC 24.9 Determination of benefit rights.
24.9(1)

Monetary determinations.

a.

When an initial claim for benefits is filed, the department shall mail to the individual claiming benefits a Form 65-5318, Iowa Monetary Record, which is a statement of the individual's weekly benefit amount, total benefits, base period wages, and other data pertinent to the individual's benefit rights.

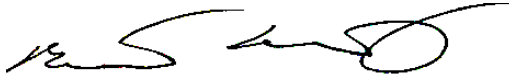
b.

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.

The corrected monetary records issued on August 19 and 25, 2020 are correct. Payment of unemployment claims are to be in accordance with these corrected monetary records.

DECISION:

The monetary record determination dated April 5, 2020, reference 01, is modified by the monetary records of August 19, 2020 and August 25, 2020. Claimant is monetarily eligible for unemployment benefits.



Blair A. Bennett
Administrative Law Judge

August 28, 2020
Decision Dated and Mailed

bab/scn