

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ASHLEE R PITT
Claimant

APPEAL NO. 11A-UI-06006-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/02/11
Claimant: Appellant (1)**

Section 96.3-4 – Appeal from a Monetary Record

STATEMENT OF THE CASE:

Claimant filed an appeal from a monetary record decision dated March 23, 2011, reference 00, which held claimant eligible for a lower weekly benefit rate for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 25, 2011. Claimant participated personally. Exhibit A was admitted into evidence.

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 was sent a monetary record March 23, 2011. Claimant appealed the monetary record May 5, 2011.

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 it is.

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 "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.

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.

Claimant failed to appeal from the monetary record within ten days of its receipt. The appeal is not timely. The monetary record remains as issued.

DECISION:

The monetary record determination dated March 23, 2011, reference 00, is affirmed.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs