

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

FRED L BOUC
Claimant

APPEAL 18A-UI-07691-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/08/18
Claimant: Appellant (1R)**

Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year
Iowa Code § 96.3(4) – Determination of Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 10, 2018, monetary determination. After due notice was issued, a telephone conference hearing was held on August 7, 2018. Claimant participated and was represented by Jeremy Cross, Attorney at Law.

ISSUE:

Is the monetary record dated July 10, 2018, correct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The base period for the claim year effective July 8, 2018, covers the last three quarters of 2017, and the first quarter of 2018. The wages listed in the monetary record for those quarters are correct. Claimant presented no evidence of wages beyond what is shown in his monetary record. Claimant explained that he suffered an injury during his employment and received worker's compensation during his employment and during at least part of his base period. Claimant is seeking substitution of wages due to receipt of worker's compensation benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the monetary record is correct.

Iowa Code section 96.4(4) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. 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 subsection 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.

If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least two hundred fifty dollars, as a condition to receive benefits in the next benefit year.

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.

In this case, claimant does not contest that the monetary record reflects the wages he received from the employer. Therefore, the monetary record will be affirmed. This matter will be remanded for a determination of whether claimant is eligible for substitution of wages due to receipt of worker's compensation.

DECISION:

The July 10, 2018, monetary determination is affirmed. Claimant's monetary record is correct.

REMAND:

This matter shall be remanded to the Benefits Bureau of Iowa Workforce Development for initial investigation and determination of eligibility for substitution of wages due to receipt of worker's compensation benefits.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn