

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AARON NOVAK
Claimant

APPEAL NO. 07A-UI-00731-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/31/06 R: 04
Claimant: Appellant (1)**

871 IAC 23.3(1) and 23.4 – Monetary Eligibility

STATEMENT OF THE CASE:

Aaron Novak (claimant) appealed an unemployment insurance monetary determination. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on February 6, 2007. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's monetary determination is correct?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: At the time the claimant filed his initial claim for unemployment insurance benefits, his base period was the third quarter of 2005 through the second quarter of 2006. He was in school during most of the base period and only had wage credits from TPI in the second quarter of 2006, in the amount of \$152.80.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's monetary eligibility was properly determined as of January 5, 2007, and the administrative law judge concludes it was.

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 "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.

The administrative law judge concludes the claimant only earned wages from TPI during his base period. As such, the claimant's monetary determination was calculated correctly.

DECISION:

The monetary determination made after the claimant filed his initial claim for unemployment insurance benefits on January 5, 2007, is affirmed.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw