

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>RANDY D SONNE</b> Claimant     <b>FEDERAL UNIT ADMINISTRATIVE OFFICE</b>	<div>68-0157 (9-06) - 3091078 - EI</div> <div><b>APPEAL NO. 08A-DUA-00053-DWT</b></div> <div><b>ADMINISTRATIVE LAW JUDGE DECISION</b></div> <div><b>OC: 06/08/08 R: 02</b> <b>Claimant: Appellant (1)</b></div>
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20 CFR 625.6(b) – DUA Weekly Benefit Amount

**STATEMENT OF THE CASE:**

Randy D. Sonne (claimant) appealed a Disaster Unemployment Assistance (DUA) September 26, 2008 decision that concluded he was eligible to receive weekly disaster unemployment assistance (DUA) benefits in the amount of \$147.00. A telephone hearing was held on December 3, 2008. The claimant participated in the hearing. Vicki Sonne, the claimant's tax preparer, testified on the claimant's behalf. Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Is the claimant's weekly DUA benefit amount of \$147.00 correct?

**FINDINGS OF FACT:**

The claimant filed a claim for Disaster Unemployment Assistance (DUA) that has an effective of June 8, 2008. On his 2007 Federal Income Tax Return the claimant reported a loss on his net annual earnings for his farming operation. The claimant used legitimate tax deductions to reduce his net annual farm earnings, which resulted in the net loss. As of May 25, 2008, the average weekly payment of regular unemployment compensation in Iowa is \$294.00.

**REASONING AND CONCLUSIONS OF LAW:**

"The Robert T. Stafford Disaster Relief and Emergency Assistance Act" includes a program for the payment of unemployment assistance benefits to individuals unemployed as a result of a major disaster. See 42 USC §§ 5177, 5189a; 20 CFR Part 625. Under the pertinent federal regulations, the amount of DUA payable to an unemployed individual shall be the weekly amount of regular unemployment compensation the individual would have been paid, as computed under the provisions of the state law and based on the individual's income during the previous tax year. However, if the weekly amount is less than 50 percent of the average weekly payment of regular compensation in the state or the individual has insufficient wages from employment or insufficient or no net income from self-employment to compute a weekly amount,

the individual is entitled to a weekly amount equal to 50 percent of the average weekly payment of regular compensation in the state. 20 CFR § 625.6.

In this case, the claimant reported a loss on his net income from his self-employment in 2007. The claimant's weekly DUA amount was correctly determined to be \$147.00, which is equal to 50 percent of the average weekly payment of regular compensation in Iowa.

If the claimant had not used some taxable deductions, he could have shown a profit of about \$20,000.00. The claimant has no plans to file an amended 2007 tax return. Since the law states weekly benefit amounts are determined based on the previous year's federal income tax return, the weekly benefit amount of \$147.00 is correct.

The hearing notice incorrectly indicated there was an issue of whether the claimant filed a timely appeal. The claimant had until November 25, 2008 to file a timely appeal. The claimant filed his appeal on November 12, 2008. A clerical error was made when the hearing notice was generated. The claimant filed a timely appeal.

**DECISION:**

The DUA decision dated September 26, 2008, is affirmed. The claimant's weekly amount of DUA was correctly determined to equal \$147.00

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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