

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALISON R RUIRU**

Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 11A-UI-12695-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/09/11  
Claimant: Appellant (1R)**

Section 96.3-4 – Computation of Benefits

**STATEMENT OF THE CASE:**

Alison R. Ruiru filed a timely appeal from a corrected monetary determination dated September 21, 2011 which computed her unemployment insurance benefits using the alternate base period of calendar year 2010. Due notice was issued for a telephone hearing to be held October 19, 2011. The claimant did not provide a telephone number at which she could be contacted.

**ISSUE:**

Were the claimant's benefits computed accurately?

**FINDINGS OF FACT:**

Alison R. Ruiru filed a claim for unemployment insurance benefits during the first calendar quarter of 2011. A corrected monetary determination on September 21, 2011 computed benefits using the alternate base period of calendar year 2010. It resulted in a weekly benefit amount of \$274.00 and maximum benefit amount of \$3,333.47. The claimant had also requested that wages paid to her in the first calendar quarter of 2011 be used in computing benefits.

The claimant's mailing address indicates that she is incarcerated at this time.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-4 and 96.3-5 establish the procedure for computing an individual's unemployment insurance benefits based upon base period wages. An alternate base period consisting of the four calendar quarters immediately preceding the quarter in which the claim was filed is available for individuals who would not be monetarily eligible for benefits using the traditional base period. The statute does not provide for the use wages paid to a claimant during the quarter in which the claim for benefits is filed. Thus, it would be inappropriate for the Agency to consider the wages paid to Ms. Ruiru during the first quarter of 2011.

Evidence in the record indicates the claimant may be incarcerated at this time. The question of her availability for work is remanded to the Unemployment Insurance Division.

**DECISION:**

The corrected monetary determination dated September 21, 2011 is affirmed. The question of availability for work and eligibility for benefits is remanded.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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