

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIEN V HUYNH**  
Claimant

**APPEAL NO. 10A-UI-01376-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/27/09  
Claimant: Appellant (2)**

Iowa Code § 96.3(4) – Determination of Benefits

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the December 31, 2009, reference 03, monetary record that showed no dependents. After due notice was issued, a hearing was held on March 23, 2010. Claimant participated.

**ISSUE:**

The issue is whether the claimant's request to add a dependent to the claim should be granted.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed his claim for benefits on December 27, 2009, and thought he listed his four children as dependents. In spite of believing he listed his four children as dependents, the monetary record reflects no dependents. The claimant may have pushed the wrong button.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to add a dependent to the claim is granted.

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.

Since the claimant was consistent in claiming dependents, the confusion related to the form is considered a good cause reason for the request to add a dependent to the claim. The addition of dependents to the monetary record for a total of four (4) dependents is granted.

**DECISION:**

The December 31, 2009, reference 03, monetary determination is reversed. The claimant is allowed to declare his four (4) dependents on his claim for unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs