

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

KEVIN J CONLAN  
154 – 34<sup>TH</sup> ST  
DES MOINES IA 50312

INNER FLORA INTERIOR FOLIAGE  
CONCEPTS INC  
2102 DELAVAN DR STE H  
WEST DES MOINES IA 50265-5530

INNER FLORA INTERIOR FOLIAGE  
CONCEPTS INC  
506 SE 5<sup>TH</sup>  
DES MOINES IA 50329

Appeal Number: 04A-UI-11063-BT  
OC: 09/26/04 R: 02  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 23.3(1) and 23.4 – Monetary Eligibility

STATEMENT OF THE CASE:

Kevin Conlan (claimant) appealed an unemployment insurance monetary determination. Due notice was issued scheduling the matter for a telephone hearing to be held November 4, 2004. Because a decision fully favorable to the claimant could be made based on the record and information from both parties, a hearing was deemed unnecessary.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered 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 second quarter of 2003 and the first quarter of 2004. The second quarter

of 2003 listed wages of \$3,183.75, with the third quarter of 2003 showing \$1,822.50. This information conflicts with the claimant's pay records by an amount of \$566.25, which was issued to the claimant on June 3, 2004.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's monetary eligibility was properly determined as of September 26, 2004 and the administrative law judge concludes it was not.

871 IAC 23.3(1) provides:

(1) "Wages" means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Wages also means wages in lieu of notice, separation allowance, severance pay, or dismissal pay. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rule 23.2(96).

The claimant received a check of \$566.25 on June 3, 2004, which was mistakenly attributed to the third quarter of 2003. The claimant's wages for the second quarter of 2003 are actually \$3,750.00 and the third quarter should be \$1,256.25. As such, the claimant's monetary determination was not calculated correctly.

DECISION:

The monetary determination made after the claimant filed his initial claim for unemployment insurance benefits on September 26, 2004 is modified in favor of the appellant. An adjustment should be made to the claimant's wage records reflecting the actual wages paid.

sdb/tjc