

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATTHEW E THOMPSON
Claimant

APPEAL 21A-UI-01620-S1-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/23/20
Claimant: Appellant (1)

Iowa Code §.96.6(2) - Timeliness of Appeal
Iowa Code § 96.4(4) – Eligibility in a Second Benefit Year

STATEMENT OF THE CASE:

Matthew Thompson (claimant) appealed a representative's December 8, 2020, decision (reference 01) that concluded he had not been paid insured wages during or after the previous claim year of at least eight times the weekly benefit amount of the previous claim year and was, therefore, not eligible to receive unemployment insurance benefits as of August 23, 2020. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 26, 2021. The claimant did participate.

Department's Exhibit D-1 was admitted to the record. The administrative law judge took official notice of the administrative file. 21A-UI-01620.S1 and 21A-UI-01621.S1 were heard at the same time.

ISSUE:

The issue is whether the appeal was filed in a timely manner and, if so, whether the claimant has requalified for benefits.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of August 25, 2019. His weekly benefit amount during his 2019, claim year was \$275.00. When he filed his claim for benefits, he reported he was last paid wages on August 30, 2019. The claimant's last employer was Matrix Hospitality No. 2.

After his 2019, benefit year ended, he filed a second year of benefits effective August 23, 2020. He has not earned any insured wages during or after his previous claim year. He has not earned any insured wages during or after his previous claim year.

A disqualification decision was mailed to claimant's last known address of record on August 23, 2020. He did not receive the decision within ten days. The decision contained a warning that

an appeal must be postmarked or received by the Appeals Section by December 18, 2020. The appeal was filed on December 23, 2020. He filed the appeal as soon as he received it.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6(2) provides:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant filed his appeal as soon as he received it. It will be considered timely.

Iowa Code section 96.4(4)a-b-c provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base

period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.1A, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

(2) Employers shall be charged in the manner provided in this chapter for benefits paid based upon quarters used in the alternative base period.

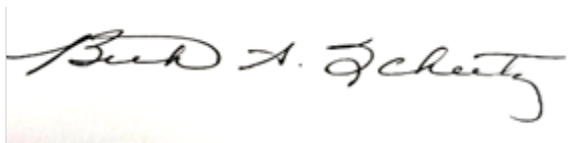
c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

In order to be eligible to receive unemployment insurance benefits in a second benefit year, the claimant must show that he has been paid insured wages during or after the previous claim year of at least eight times the weekly benefit amount of the previous claim year. The claimant's weekly benefit amount in 2019 was \$275.00. Eight times \$275.00 is \$2,200.00. The claimant has not provided evidence to prove wages during the relevant period. Therefore, the claimant has not requalified for benefits since the separation and since the prior claim year separation decision. Benefits are denied.

DECISION:

The December 8, 2020, reference 01, decision is affirmed. The appeal is timely. The claimant is not eligible to receive unemployment insurance benefits because he has not been paid insured wages during or after the previous claim year of at least eight times the weekly benefit amount of the previous claim year unemployment insurance benefits.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

A handwritten signature in black ink, reading "Beth A. Scheetz", is positioned above a horizontal line.

Beth A. Scheetz
Administrative Law Judge

March 5, 2021
Decision Dated and Mailed

bas/kmj