

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT L FARBER
Claimant

APPEAL NO. 20A-UI-12495-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/30/20
Claimant: Appellant (1)

Iowa Code Section 96.4(4) – Second Benefit Year

STATEMENT OF THE CASE:

Robert Farber filed a timely appeal from the August 30, 2020, reference 01, decision that denied benefits effective August 30, 2020, based on the deputy's conclusion that Mr. Farber did not meet the minimum earnings requirements to be eligible for benefits in connection with a second benefit year. After due notice was issued, a hearing was held on December 9, 2020. Mr. Farber participated. Exhibits A, the appeal, and B, the September 1, 2020 monetary record, were received into evidence. The administrative law judge took official notice of the following agency administrative records: DBIN, DBRO, WAGE-A and WAGE-C.

ISSUES:

Whether the claimant has met the eight-times weekly benefit amount earnings requirement to be eligible for benefits in connection with a second claim year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Robert Farber established an original claim for benefits that was effective September 1, 2019. Iowa Workforce Development set his weekly benefit amount at \$500.00. In connection with the September 1, 2019 claim, Mr. Farber received \$18,000.00 in regular benefits for the period of September 1, 2019 through June 6, 2020. Mr. Farber established the September 1, 2019 claim in response to separating from employer PHH Mortgage, Inc. effective August 30, 2019. Mr. Farber has had no further employment and has earned no wages since separating from PHH Mortgage. Mr. Farber established a new original claim and a new claim year effective August 30, 2020.

Mr. Farber points to monetary record that was mailed to him on September 1, 2020, and the base period wages set forth therein for the second quarter and third quarter of 2019, as the basis for his assertion that he should be eligible for benefits in connection with the second benefit year that began August 30, 2020. The wages that appear in that monetary record are for work performed prior to September 1, 2019 and are not wages earned during or after the claim year that began September 1, 2019.

REASONING AND CONCLUSIONS OF LAW:

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

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

4. 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.

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.

[Emphasis added.]

Mr. Farber has not met the minimum earnings requirements to be eligible for benefits in connection with a second benefit year. He drew benefits during the benefit year that began September 1, 2019. Since he established the September 1, 2019 original claim, he has not worked in and been paid wages totaling at least eight times his weekly benefit. The weekly benefit amount was \$500.00. Eight times that amount would be \$4,000.00. The wages set forth in the September 1, 2020 monetary record are for work performed prior to September 1, 2019 and, therefore, do not count toward the eight-times-weekly-amount requirement. Benefits are denied for the second benefit year that began August 30, 2020.

DECISION:

The August 30, 2020, reference 01, decision is affirmed. The claimant has not met the eight-time-weekly-benefit-amount minimum earnings requirement to be monetarily eligible for benefits in connection with a second benefit year.. The claimant is not eligible for benefits in connection with the benefit year that started on August 30, 2020.



James E. Timberland
Administrative Law Judge

December 17, 2020
Decision Dated and Mailed

jet/scn

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. 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.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you have received.**