

**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**

**VIRGINIA L BERGER  
113 CARTER LAKE CLUB  
CARTER LAKE IA 51510**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-06640-DWT  
OC: 06/12/05 R: 01  
Claimant: Appellant (1)**

**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, 4<sup>th</sup> 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)

Section 96.4-4 – Subsequent Benefit Year Eligibility

STATEMENT OF THE CASE:

Virginia L. Berger (claimant) appealed a representative's June 22, 2005 decision (reference 01) that concluded she was not eligible to receive benefits in a subsequent benefit year because she had not earned \$250.00 in wages since June 14, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 14, 2005. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible to receive benefits as of June 12, 2005 or during a subsequent benefit year?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of June 14, 2004. The claimant received unemployment insurance benefits during this benefit year. The claimant has not worked or any earned wages since June 14, 2004. The claimant established a subsequent benefit year during the week of June 12, 2005.

REASONING AND CONCLUSIONS OF LAW:

If a claimant has drawn benefits in any benefit year, the claimant must during or subsequent to that year, work in and be paid wages for insured work totaling at least \$250.00 as a condition to receive benefits in the next benefit year. Iowa Code § 96.4-4. The claimant has not satisfied the \$250.00 condition to be eligible to receive benefits as of June 12, 2005.

DECISION:

The representative's June 22, 2005 decision (reference 01) is affirmed. As of June 12, 2005, the claimant is not eligible to receive unemployment insurance benefits because she has not earned wages of \$250.00 or more since June 14, 2004. If the claimant earns \$250.00 in wages, she should reopen her claim and establish her eligibility to receive benefits.

dlw/sc