

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

SHONA HEYWOOD
Claimant

APPEAL 22A-UI-19455-ED-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

BLUSH BOOT CAMP
Employer

OC: 11/13/22
Claimant: Appellant (1)

Iowa Code § 96.4(4) – Determination of Benefits
Iowa Code § 96.3(4) – Monetary Eligibility

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 13, 2022 monetary determination. After due notice was issued, a telephone hearing was held on January 17, 2022. Claimant, Shona Heywood, participated. The employer, Blush Boot Camp, did not participate. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUES:

Is the monetary record dated November 13, 2022, correct?
Is the claimant monetarily eligible for benefits effective November 13, 2022?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The base period for the original claim effective November 13, 2022 includes the third quarter of 2021, the fourth quarter of 2021, the first quarter of 2022 and the second quarter of 2022. Claimant did not request an alternate base period evaluation. Claimant's wage history for those periods is listed below:

2021/3	2021/4	2022/1	2022/2
0	0	0	0

The claimant was a full-time student during this period. The claimant began employment with Blush Boot Camp in June 2022. The wages listed in the monetary record for those quarters are correct.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the monetary record is correct and claimant is not monetarily eligible due to lack of qualified earnings.

Iowa Code section 96.4(4)a 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.

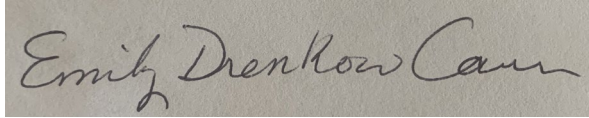
(emphasis added).

The law's intent is to allow unemployment insurance benefits to claimants who have had a substantial attachment to the labor force. One of the methods used to measure this attachment to the labor force is a minimum earnings test. A claimant must have qualified earnings in at least two separate quarters during the twelve-month base period. A claimant must also have earned at least \$800.00 in wages in one quarter and \$1,610.00 in wages in a different quarter (amounts effective July 1, 2018). Lastly, the total base period earnings must be equal or greater than 1.25 times the wages earned in the highest base period quarter. If a claimant has some wages from covered employment during the base period but does not meet all of the monetary eligibility requirements, the claim is considered to lack qualified earnings.

In this case, the claimant is not monetarily eligible to receive unemployment insurance benefits because she does not have any base period wages. As such, the claimant lacks qualified earnings to be monetarily eligible for benefits. The monetary record dated November 13, 2022 is correct.

DECISION:

The November 13, 2022 monetary record is affirmed. The claimant is not eligible to receive benefits during the current claim due to lack of qualified earnings. The claimant may file again after January 1, 2023.

A rectangular box containing a handwritten signature in cursive script that reads "Emily Drenkow Carr".

Emily Drenkow Carr
Administrative Law Judge

January 19, 2023
Decision Dated and Mailed

ed/mh

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.