

**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**

**TE LU  
4973 HAWTHORNE DR  
WEST DES MOINES IA 50265**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-05835-CT  
OC: 05/08/05 R: 02  
Claimant: Appellant (2)**

**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) – Second Benefit Year Requalification

STATEMENT OF THE CASE:

Te Lu filed an appeal from a representative's decision dated May 25, 2005, reference 01, which denied benefits on a finding that he had not earned at least \$250.00 in insured wages since the beginning of his prior benefit year. A telephone hearing was scheduled to be held on June 20, 2005. However, based on Iowa Workforce Development records, the hearing was deemed unnecessary.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Lu filed a claim for job insurance benefits effective

May 9, 2004. During the third calendar quarter of 2004, he had gross insured earnings of \$3,248.00 from Hirsh Industries. The current claim was filed effective May 8, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Lu is entitled to receive benefits on the second benefit year claim filed effective May 8, 2005. In order to receive benefits during a second year, an individual must have earned at least \$250.00 in insured wages since the beginning of the prior benefit year. Iowa Code section 96.4(4). Because Mr. Lu had earnings of at least \$250.00 during the prior benefit year, he is entitled to benefits on the claim filed effective May 8, 2005.

DECISION:

The representative's decision dated May 25, 2005 , reference 01, is hereby reversed. Mr. Lu is entitled to benefits on the claim filed effective May 8, 2005 because he has earned the required wages. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/tjc