

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY M WENNERSTRUM**  
Claimant

**APPEAL NO. 12A-UI-14801-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/02/12**  
**Claimant: Appellant (2R)**

Section 96.4-4 – Requalification

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a decision of a representative dated December 12, 2012, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 22, 2013. The claimant participated personally. The record consists of the testimony of Mary Wennerstrum and Claimant's Exhibit A. Official notice is taken of agency records.

**ISSUE:**

Whether the claimant has earned \$250.00 in covered wages since the beginning of her prior claim year.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant established an original claim for benefits with an original claim date of December 4, 2011. The claimant had a temporary job during the first week of December 2012. For the pay period ending December 14, 2012, the claimant was paid gross wages of \$300.00 and after deductions earned \$283.05. (Exhibit A) The employer is an Iowa employer, Thomas J Reicks, Inc., an accounting firm.

**REASONING AND CONCLUSIONS OF LAW:**

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 96.19, 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 two hundred fifty dollars, as a condition to receive benefits in the next benefit year.

The claimant has requalified for a second year of benefits. The claimant provided sufficient evidence to show that she earned at least \$250.00 for insured work after she established her original claim on December 4, 2011. This claim will be remanded to the Claims Section for further determination of the amount of claimant's entitlement for weekly benefits.

**DECISION:**

The decision of the representative dated December 12, 2012, reference 01, is reversed. The claimant earned at least \$250.00 for insured work after she established her original claim on December 4, 2011. This claim is remanded to the Claims Section for further determination of the amount of claimant's entitlement for weekly benefits.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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