

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAMELA G GRAMSTAD-NELSON
Claimant

APPEAL NO: 11A-UI-09204-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KERRY AMERICAS
Employer

OC: 12/20/09
Claimant: Appellant (4/R)

871 IAC 24.32(1)b – Requalifying Wages

PROCEDURAL STATEMENT OF THE CASE:

The Appeals Section set up an appeal from a representative's May 18, 2011 determination that held the claimant was not qualified to receive benefits as of July 10, 2010, until she had had ten times her weekly benefit amount. The claimant participated at the hearing. Barb Ziegler appeared on the employer's behalf.

The claimant did not appeal the fact she had to earn requalifying wages. She appealed to establish she had earned ten times her weekly benefit amount and had requalified to receive benefits. Based on the administrative record and the law, the administrative law judge finds the claimant earned requalifying wages and is eligible to receive benefits as of March 27, 2011.

ISSUE:

Has the claimant earned ten times her weekly benefit amount since July 10, 2010?

FINDINGS OF FACT:

The claimant did not appeal a decision she was required to earn ten times her weekly benefit amount before she could be eligible to receive benefits. Instead, the claimant wanted to establish that she had earned requalifying wages and was eligible to receive benefits.

When the claimant established her claim for benefit during the week of December 20, 2009, she was eligible to receive a maximum weekly benefit amount of \$158.00. In the third quarter of 2010, Pioneer Hi-Bred International paid the claimant \$517.00 in wages. In the fourth quarter of 2010 she earned \$245.00 in wages from Pioneer Hi-Bred International. In the first quarter of 2011, the claimant earned \$989.00 in wages from KLM Acquisition Corp.

REASONING AND CONCLUSIONS OF LAW:

Since the claimant did not disagree that she was required to earn ten times her weekly benefit amount before she could requalify to receive benefits, there is no timeliness of appeal issue to address.

A claimant is disqualified from receiving unemployment insurance benefits until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. 871 IAC 24.32(1)b.

From July 1, 2010, through March 31, 2011 the claimant earned gross wages of \$1751.00. This is more than ten times \$158.00 or \$1,580.00. As of March 27, 2011, the claimant is eligible to receive benefits because she requalified to receive benefits.

DECISION:

The representative's May 18, 2011 determination (reference 01) is affirmed, but the claimant is qualified to receive benefits because she requalified to receive benefits as of March 27, 2011. This matter is **Remanded** to the Claims Section to adjust the claimant's claim to reflect she is eligible to receive benefits as of March 27, 2011, because she earned requalifying wages.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css