

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRAVES W HESEBECK**  
Claimant

**APPEAL NO: 10A-UI-03096-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/31/10  
Claimant: Appellant (1)**

Section 96.4-4 - Second Benefit Year \$250.00 Requirement

**STATEMENT OF THE CASE:**

The claimant appealed a representative's February 17, 2010 decision (reference 01) that concluded he was not eligible to receive regular unemployment insurance benefits as of January 31, 2010, because he had not earned \$250.00 in wages since February 1, 2009. A telephone hearing was held on March 13, 2010. 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:**

Has the claimant satisfied the \$250.00 wage requirement to establish a second benefit year?

**FINDINGS OF FACT:**

The claimant initially established a claim for benefits during the week of February 1, 2009. He has filed for and received benefits since February 1, 2009. The claimant has not earned any wages from February 1, 2009, through January 31, 2010.

When the claimant's first benefit year ended on January 30, 2010, a second benefit year as of January 31, 2010 was established. Based on the wages in his base period, the claimant was monetarily eligible to receive benefits as of January 31, 2010.

**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 facts establish the claimant did not earn \$250.00 in wages from an insured employer between February 1, 2009, and January 30, 2010. The claimant has, however, received unemployment insurance benefits since February 1, 2009. As a result, the claimant has not met the \$250.00 condition to be eligible to receive benefits for a subsequent or second benefit year. This means the claimant is not eligible to receive regular unemployment insurance benefits as of January 31, 2010.

Instead, he continues to be eligible to receive Emergency Unemployment Compensation benefits as of January 31, 2010.

**DECISION:**

The representative's February 17, 2010 decision (reference 01) is affirmed. The claimant has not met the \$250.00 requirement to establish a second or subsequent benefit year. Therefore the claimant is not eligible to receive regular unemployment insurance benefits as of January 31, 2010. The claimant remains eligible to receive Emergency Unemployment Compensation benefits based on his February 1, 2009 claim.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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