

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

<b>THOMAS J RUSSELL</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<div>68-0157 (9-06) - 3091078 - EI</div> <div><b>APPEAL NO. 19A-UI-08555-JTT</b></div> <div><b>ADMINISTRATIVE LAW JUDGE DECISION</b></div> <div><b>OC: 09/29/19</b> <b>Claimant: Appellant (2)</b></div>
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Iowa Code Section 96.4(4) – Second Benefit Year

**STATEMENT OF THE CASE:**

Thomas Russell filed a timely appeal from the October 9, 2019, reference 01, decision that denied benefits effective September 29, 2019, based on the deputy's conclusion that Mr. Russell had not met the eight-times-weekly-benefit-amount minimum earnings requirement to be eligible for benefits in connection with a second benefit year. After due notice was issued, a hearing was held on November 21, 2019. Mr. Russell participated. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-08533-JTT. Exhibits 1 through 4 and Department Exhibits D-1 through D-4 were received into evidence.

**ISSUES:**

Whether the claimant has met the eight-times weekly benefit amount earnings requirement to be eligible for benefits in connection with a second claim year.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Thomas Russell established an original claim for benefits that was effective September 30, 2018. Iowa Workforce Development set Mr. Russell's weekly benefit amount at \$419.00. Mr. Russell established that original claim for benefits in response to his October 5, 2018 discharge from employment with Luther Care Services. Mr. Russell received \$8,629.25 in benefits in connection with September 30, 2018 original claim and exhausted benefits in March 2019. Mr. Russell subsequently established a new original claim and a new claim year that was effective September 29, 2019. Between Mr. Russell's October 18, 2018 separation from the Luther Care Services employment and the September 29, 2019 new original claim for unemployment insurance benefits, Mr. Russell earned wages that totaled more than eight times the \$419.00 weekly benefit amount applicable to the September 30, 2018 original claim. The eight times weekly benefit amount figure would be \$3,352.00. Mr. Russell's wages for insured work performed subsequent to his separation from Luther Care Services and prior to the new claim year exceeded \$3,352.00 and nearly totaled \$4,080.00. Since Mr. Russell established the new claim year that was effective September 29, 2019, he has earned an additional \$200.00 to \$245.00 in wages for insured work.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4(4)(a-c) 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.

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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

The evidence in the record establishes that Mr. Russell did indeed meet the eight-times-weekly-benefit-amount minimum earnings requirement prior to establishing the new original claim that was effective September 29, 2019. Mr. Russell is eligible for benefits in connection with the September 29, 2019 original claim provided he meets all other eligibility requirements.

**DECISION:**

The October 9, 2019, reference 01, decision is reversed. The claimant met the eight-times-weekly-benefit-amount minimum earnings requirement to be monetarily eligible for benefits in connection with a second benefit year. The claimant is eligible for benefits in connection with the benefit year that started on September 29, 2019 provided he meets all other eligibility requirements.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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