

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARK D BURGART**  
Claimant

**APPEAL NO. 09A-UI-09921-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 06/14/09  
Claimant: Appellant (1)**

Section 96.4-4 – Eligibility Condition for Second Benefit Year

**STATEMENT OF THE CASE:**

Mark D. Burgart (claimant) appealed a representative's July 2, 2009 decision (reference 01) that concluded he was not eligible to receive regular unemployment insurance benefits in a second benefit year as of June 14, 2009. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on July 28, 2009. The claimant participated in the hearing. Tracy Burgart was available to testify on the claimant's behalf. 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:**

Did the claimant earn \$250.00 in wages between June 15, 2008, and June 14, 2009?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of June 15, 2008. He filed for and received benefits during this claim year. During the week of December 20, 2008, the claimant started receiving Emergency Unemployment Compensation benefits because he had exhausted all his regular unemployment insurance benefits. The claimant has not earned any wages between June 15, 2008 and June 14, 2009.

When the claimant's benefit year was about to end on June 13, 2009, he received a notice that he needed to file a claim for a subsequent benefit year. The claimant's new benefit year was made effective as of June 14, 2009.

**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 working totaling at \$250.00 as a condition to receiving benefits in the next benefit year. Iowa Code § 96.4-4.

Since the claimant has not earned \$250.00 between June 15, 2008, and June 14, 2009, he is not eligible to receive benefits in his second benefit year or as of June 14, 2009. After the

claimant earns \$250.00 from insured employment, he can reopen his claim that was established during the week of June 14, 2009.

**DECISION:**

The representative's July 2, 2009 decision (reference 01) is affirmed. The claimant is not eligible to receive regular unemployment benefits during his second benefit year that was established as of June 14, 2009, because he has not earned wages of \$250.00 since June 15, 2008.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw