

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MICHELLE L BALDWIN
705 SE 3RD ST
LEON IA 50144

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-00825-CT
OC: 12/28/03 R: 03
Claimant: Appellant (2-R)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(4) – Second Benefit Year Requalification

STATEMENT OF THE CASE:

Michelle Baldwin filed an appeal from a representative's decision dated January 22, 2004, reference 01, which held that she had not earned the required wages to qualify for a second benefit year. Due notice was issued scheduling the matter for a telephone hearing to be held on February 16, 2004. Because of documentation provided prior to the hearing, a hearing was deemed unnecessary. Exhibit A was admitted on Ms. Baldwin's behalf.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: Ms. Baldwin filed an original claim for job insurance benefits effective December 29, 2002. During December of 2003, she performed services for M & M Welding and earned \$250.00. Her current claim was filed effective December 28, 2003.

The issue of Ms. Baldwin's separation from M & M Welding has not been adjudicated by Workforce Development. She is currently a full-time student but, the issue of her availability for work has not been investigated.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Baldwin has requalified for a second benefit year by earning at least \$250.00 in insured wages since the beginning of her prior benefit year. See Iowa Code Section 96.4(4). She has submitted a W-2 form which confirms that she has earned the requisite wages to qualify for a second benefit year. Accordingly, her claim filed effective December 28, 2003 shall be allowed.

This matter shall be remanded to Claims for a determination regarding Ms. Baldwin's separation from M & M Welding as well as her availability for work, considering her full-time student status.

DECISION:

The representative's decision dated January 22, 2004, reference 01, is hereby reversed. Ms. Baldwin has requalified for a second benefit year and her claim filed effective December 28, 2003 is allowed. This matter is remanded to Claims for further determinations as outlined herein.

cfc/b