

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NATASHA L LEACH
Claimant

APPEAL 16A-UI-13053-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/20/16
Claimant: Appellant (2)**

Iowa Code § 96.4(4)c - Subsequent Benefit Year

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the November 30, 2016 (reference 01) unemployment insurance decision that found claimant was not eligible to receive unemployment insurance benefits because she had not been paid insured wages of at least \$250.00 either during or after the previous benefit year in which she received benefits. The claimant was properly notified of the hearing. A telephone hearing was held on December 28, 2016. The claimant, Natasha L. Leach, participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Did the claimant earn insured wages of \$250.00 or more during or after the previous benefit year to be eligible for a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The facts are undisputed in this matter. The claimant did earn at least \$250.00 in insured wages during or subsequent to the prior claim year beginning November 22, 2015.

Claimant was working full-time for Nordstrom Inc. and was separated from employment on Wednesday, November 25, 2015. Claimant's normal working schedule was Sunday through Thursday each week. She typically worked from 6:00 a.m. to 2:00 p.m. each day as a packing processor. Her last week of employment she worked eight hours on Sunday, November 22, 2015; eight hours on Monday, November 23, 2015; eight hours on Tuesday, November 24, 2015; and three hours on Wednesday, November 25, 2015. She earned \$16.40 per hour. Over the course of these last four days of employment the claimant earned over \$250.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive benefits during the subsequent benefit year.

Iowa Code section 96.4(4)c provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. 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 two hundred and fifty dollars, as a condition to receive benefits in the next benefit year.

Iowa Admin. Code r. 871-24.31 provides:

- (1) The claimant must have been paid benefits on a previous claim.
- (2) If the claimant has the qualifying wages for the establishment of a second benefit year as specified in Iowa Code section 96.4(4) which were earned prior to the filing of the previous claim, the claimant must, during or subsequent to that year, have worked in (except back pay awards) and have been paid wages for insured work totaling at least \$250, to fulfill the condition to be eligible for benefits on a new claim. Vacation pay, severance pay and bonuses are not considered as wages for second benefit year requalification purposes.
- (3) Insured work means insured work in any state.
- (4) Employment for a railroad under the Railroad Unemployment Insurance Act is insured work.
- (5) The amount equal to \$250 in insured work need not be in addition to the qualifying wages for the establishment of a second benefit year.
- (6) Disqualification for lack of the \$250 in insured work shall be removed upon the verification that the claimant worked in and has been paid wages for insured work totaling \$250 during or subsequent to the previous benefit year.

This rule is intended to implement Iowa Code section 96.4(4).

The term benefit year means a period of one year beginning with the day with respect to which an individual filed a valid claim for benefits. Iowa Code § 96.19(3). The starting date of the benefit year is always on Sunday and is usually the Sunday of the current week in which the claimant first files a valid claim unless the claim is backdated as allowed under subrule 24.2(1), paragraph "h". Iowa Admin. Code r. 871-24.1(21). A week is a seven-day period beginning at 12:01 a.m. on Sunday and terminating at midnight on the following Saturday. Iowa Admin. Code r. 871-24.1(135).

Therefore, the first original claim date, which commenced the benefit year in this case was Sunday, November 22, 2015. As such, the claimant must have earned \$250.00 in insured wages in her first benefit year in order to be eligible to draw in a subsequent benefit year. The claimant must earn this amount since establishing the benefit year, not since leaving the Employer. In this case, the claimant did earn more than \$250.00 during or subsequent to the previous benefit year in the four days she worked prior to separating from Nordstrom Inc. See also Emp. App. Bd. Hrg. No. 15B-UI-00914 (Emp. App. Bd. pub. Mar. 18, 2015).

Because the claimant did earn at least \$250.00 in insured wages during or subsequent to the claim year beginning November 22, 2015, she is eligible to receive benefits during the current claim year beginning November 20, 2016. Benefits are allowed.

DECISION:

The November 30, 2016 (reference 01) unemployment insurance decision is reversed. The claimant is eligible to receive benefits during the current claim year beginning November 20, 2016. Any benefits claimed and withheld on this basis shall be paid.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/