

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERRI A ROCKWELL**  
Claimant

**APPEAL NO. 07A-UI-11370-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 11/25/07 R: 12**  
**Claimant: Appellant (2)**

Section 96.4-4 –Qualification to Receive Benefits in a Subsequent Benefit Year

**STATEMENT OF THE CASE:**

Sherri A. Rockwell (claimant) appealed a representative's December 5, 2007 decision (reference 01) that concluded she was not eligible to receive benefits as of November 25, 2007, because she had not earned \$250.00 since she had established her previous benefit year. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 27, 2007. The claimant participated in the hearing. Based on the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant qualified to receive benefits in a second benefit year?

**FINDINGS OF FACT:**

The claimant established a claim for unemployment insurance benefits during the week of November 26, 2006. The claimant filed for and received benefits during this benefit year.

The claimant worked for Diversity, Inc. from July through September 2007. The claimant earned wages of more than \$250.00 from this employer. The claimant established a subsequent benefit year during the week of November 25, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

The law states an when an unemployed 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 \$250.00, as a condition to receive benefits in the next benefit year. Iowa Code § 96.4-4.

The statute requires a claimant to work and receive wages for insured work since the beginning of the previous benefit year before she is eligible for benefits in a subsequent benefit year. The intent of the statute is to prevent a claimant from drawing benefits in two benefit years based on the same separation from employment and require some new work and wages before receiving

benefits in a second benefit year. In this case, the claimant has worked and been paid wages of at least \$250.00 since the beginning of her previous benefit year. Therefore, the claimant is eligible to receive benefits as of November 25, 2007.

**DECISION:**

The representative's December 5, 2007 decision (reference 01) is reversed. The claimant earned more than \$250.00 in wages since November 26, 2006. The claimant has met the requirements to receive benefits in a second benefit year. As of November 25, 2007, the claimant is eligible to receive unemployment insurance benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css