

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADAM C BLUNCK
Claimant

APPEAL NO. 11A-UCX-00034-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/11/11
Claimant: Appellant (1)**

Section 96.4-4 – Second Benefit Year Earnings Requirement

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated October 25, 2011, reference 01, that held he was not eligible for benefits, because he had not earned \$250 in wages for insured work for a second benefit year claim. A hearing was held on November 30, 2011. The claimant participated.

ISSUE:

The issue is whether the claimant has earned \$250 between benefit years.

FINDINGS OF FACT:

The administrative law judge, having heard the witness testimony and having considered the evidence in the record, finds that: The claimant filed a benefit claim effective September 12, 2010 and he received unemployment benefits. He had separated from the Marine Corps on September 11.

Claimant filed a second benefit claim effective September 11, 2011. He has not worked for any employer and earned wages of at least \$250 since his separation from the Marine Corps.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-4 provides:

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

4. 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 subsection 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.

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 fifty dollars, as a condition to receive benefits in the next benefit year.

The administrative law judge concludes that the claimant is not eligible to receive benefits on his current unemployment claim effective September 11, 2011, because he does not meet the earnings qualification requirement of \$250 of insured work since his prior claim.

The law requires an unemployed individual to work and earn at least \$250 for insured work during or subsequent to a benefit year in order to be eligible for a second benefit year. The claimant verified the department record that he has no earnings since being separated from Marine Corps.

DECISION:

The representative's decision dated October 25, 2011, reference 01, is affirmed. The claimant is not eligible to receive benefits effective September 11, 2011 until he has worked in and been paid wages for insured work of at least \$250, provided he is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw