

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CODY L JOHNSON
Claimant

APPEAL NO. 10A-UI-03740-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/17/10
Claimant: Appellant (2)**

Section 96.4-4 – Wages Earned Between Claim Years

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 24, 2010, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 29, 2010. Claimant responded to the hearing notice and did not participate as he was not available by telephone. Exhibits One and A were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant has worked and earned insured wages of at least \$250.00 between claim years.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant did earn \$250.00 in wages from insured work during the prior benefit year. Claimant had earnings of \$5,601.00 during the first quarter of 2009 which cannot by extrapolation be attributable to the first 17 days of 2009.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds claimant has earned sufficient wages during the last benefit year to qualify for benefits.

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.

DECISION:

The decision of the representative dated February 24, 2010, reference 02, is reversed. Claimant is eligible to receive unemployment insurance benefits effective January 17, 2010, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs