

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLA S FOOTE
Claimant

APPEAL NO. 11A-UI-09823-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/03/11
Claimant: Appellant (1)

Iowa Code § 96.4(4) – Second Benefit Year Earnings Requirement

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 20, 2011 determination (reference 01) that held the claimant ineligible to receive benefit as of July 3, 2011, because she had not earned \$250 in insured wages since July 4, 2010. The claimant participated in the hearing. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant is not eligible to receive benefits as of July 3, 2011, unless the wages she earned from Iowa Western Community College are deemed insured for unemployment insurance purposes.

ISSUE:

Has the claimant earned \$250 in insured wages since July 4, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of July 4, 2010. She filed for and received benefits during this claim year.

The claimant started working for the Iowa Western Community College on February 21, 2011. The claimant worked at the Nursing Center. Initially, the claimant understood she worked under a work study program and did not report her wages. Later, the claimant learned she was not eligible for work study and reported this information to her local Workforce office. As her local Workforce office directed her to do, the claimant started reporting wages she earned: (An IWD representative reported wages the claimant earned prior to April 1, 2011.

Week ending	Wages Reported
04/02/11	\$126
04/09/11	\$56
04/16/11	\$132
04/30/11	\$60
05/07/11	\$24
06/11/11	\$32
06/18/11	\$20
06/25/11	\$52

Iowa Western Community College did not report these wages to the Department because the college classified the claimant as a student worker. As of the date of the hearing, an Iowa Workforce Department auditor is investigating the issue of whether the money the claimant received and reported should be considered wages for insured work or not.

REASONING AND CONCLUSIONS OF LAW:

If a claimant has drawn benefits in any benefit year, the claimant must, during or subsequent to that year, work in and be paid wages for insured work totaling at least \$250, as a condition to receive benefits in the next benefit year. Iowa Code § 96.4(4).

The real issue is whether the money the claimant reported she earned from Iowa Western Community College when she worked at the Nursing Center should or should not be characterized as insured wages. This issue was being investigated when the hearing was held. This is not the issue addressed at the August 18, 2011 hearing. If these wages are determined to be insured wages, the claimant satisfied the \$250 income requirement and is eligible to receive benefits as of July 3, 2011. If these wages are not insured wages, the claimant must earn \$250 in wages from insured employment before she is eligible to receive benefits based on a claim she established during the week of July 3, 2011.

DECISION:

As of August 26, 2011, the representative's July 20, 2011 determination (reference 01) is affirmed. Since the employer did not report these wages and characterized them as money the claimant received as a student worker, the claimant is not eligible to receive benefits as of July 3, 2011, because she has not earned \$250 in insured wages since July 4, 2010. If the Department determines the wages the claimant earned from Iowa Western Community College are from covered employment, the claimant satisfied the \$250 eligibility requirement and would be eligible to receive benefits as of July 3, 2011. If the claimant receives notice the wages are considered insured wages, she should immediately contact her local Workforce office so her claim can reflect she is eligible to receive benefits as of July 3, 2011.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw