

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**LELAND J SHIMON  
18 VOORHIES  
COLO IA 50056**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-03299-JTT  
OC: 02/26/06 R: 02  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(4) - Subsequent Benefit Year

STATEMENT OF THE CASE:

Leland Shimon filed a timely appeal from the March 9, 2006, reference 01, decision that denied benefits effective February 26, 2006, and concluded that the claimant had not been paid insured wages of at least \$250.00 either during or after the previous benefit year in which he received benefits. After due notice was issued, a hearing was held on April 10, 2006. Claimant participated. The administrative law judge took official notice of the agency administrative file regarding the claim for benefits that was effective on February 26, 2006 in the claim for benefits that was effective January 30, 2005.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Leland Shimon established a claim for benefits that was effective January 30, 2005. Mr. Shimon

received benefits for the period of January 30 through August 6, 2005, when he exhausted his maximum benefit allowance. Mr. Shimon reported wages totaling \$300.00 during the first three weeks of his benefit year. During the benefit week that ended February 5, 2005, Mr. Shimon reported wages of \$173.00. During a benefit week that ended February 12, 2005, Mr. Shimon reported wages of \$66.00. During the benefit week that ended February 19, 2005, Mr. Shimon reported wages of \$61.00. Mr. Shimon had no other earnings during the benefit year that ended January 29, 2006. Thereafter, Mr. Shimon established a claim for benefits that was effective February 26, 2006.

#### 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 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.

Because the claimant did earn at least \$250.00 in insured wages during or subsequent to the claim year beginning January 30, 2005, the claimant is eligible to receive benefits during the claim year beginning February 26, 2006.

#### DECISION:

The Agency representative's March 9, 2006, reference 01, decision is reversed. The claimant is eligible to receive benefits during the claim year beginning February 26, 2006.

jt/tjc