

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

AUDRA R GERBER
Claimant

APPEAL 15A-UI-03419-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/22/15
Claimant: Appellant (1)**

Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the February 22, 2015 monetary record that denied benefits because of not having sufficient wages in the base period to be eligible to draw benefits. After due notice was issued, a hearing was held on April 14, 2015. Claimant participated.

ISSUE:

The issue is whether claimant is monetarily eligible for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's base period covers the 4th quarter of 2013 through the 3rd quarter of 2014. The 4th quarter of 2014 is the lag quarter. She was paid gross wages of \$41,289 in the 1st quarter of 2014, the highest earnings quarter of the base period. She earned \$9788 in gross wages during the 4th quarter of 2013 and no other wages in her base period. She does not have sufficient wages in the base period to be eligible to draw benefits. She has a total of \$51,077 of wages in her entire base period.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible to receive benefits during the current benefit year.

Iowa Code § 96.4-4-a-b-c provides:

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

a. 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 paragraph 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.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

(2) Employers shall be charged in the manner provided in this chapter for benefits paid based upon quarters used in the alternative base period.

c. 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 claimant is required to have 1.25 times her highest quarter of wages in her base period in order to be monetarily eligible for benefits. The claimant would need to have \$51,611 in wages in her base period to be monetarily eligible. Unfortunately, she does not have sufficient wages in her base period as her total amount of wages is \$51,077.

DECISION:

The February 22, 2015 monetary record is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning February 22, 2015.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/can