

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CYNTHIA M SCHWAB
Claimant

APPEAL 18A-UI-06141-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/13/18
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Cynthia M. Schwab (claimant) filed a timely appeal from the May 23, 2018, reference 02, unemployment insurance decision that denied benefits because of a lack of at least eight times the prior claim year's weekly benefit amount (WBA) in insured wages during or after the prior claim year. After due notice was issued, a telephone conference hearing was held on June 28, 2018. The claimant participated. Owner Revolution, Inc., the claimant's former employer, participated through Human Resource Manager Sarah Harris. No exhibits were offered into the record.

ISSUE:

Did the claimant earn insured wages of at least eight times the prior claim year's WBA during or after the previous benefit year to become eligible for a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant separated from Owner Revolution, Inc. on May 12, 2017 and has not worked for any other employers since that date. She filed her prior claim year effective May 14, 2017 and her weekly benefit amount was \$410.00. The claimant filed her second-benefit year claim effective May 13, 2018.

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 subsequent benefit year.

Iowa Code section 96.4(4)a and c provides:

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

Required findings.

4. 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.

...

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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

Iowa Admin. Code r. 871-24.31 provides:

Subsequent benefit year condition.

(1) The claimant must have been paid benefits on a previous claim.

(2) If the claimant has the qualifying wages for the establishment of a second benefit year as specified in Iowa Code section 96.4(4) which were earned prior to the filing of the previous claim, the claimant must, during or subsequent to that year, have worked in (except in back pay awards) and have been paid wages for insured work totaling at least eight times the claimant's weekly benefit amount from the claimant's previous benefit year as of the end of the benefit year end date. Vacation pay, severance pay and bonuses are not considered as wages for second benefit year requalification purposes.

(3) Insured work means insured work in any state.

(4) Employment for a railroad under the Railroad Unemployment Insurance Act is insured work.

(5) The amount equal to eight times the claimant's weekly benefit amount from the claimant's previous benefit year in insured work need not be in addition to the qualifying wages for the establishment of a second benefit year.

(6) Disqualification for lack of eight times the claimant's weekly benefit amount from the claimant's previous benefit year in insured work shall be removed upon

the verification that the claimant worked in and has been paid wages for insured work totaling eight times the claimant's weekly benefit amount from the claimant's previous benefit year during or subsequent to the previous benefit year.

This rule is intended to implement Iowa Code section 96.4(4).

The claimant has not demonstrated an ongoing connection to the labor market by working and earning at least eight times the prior claim year's WBA in insured wages during or subsequent to the claim year beginning May 14, 2017. She is not eligible to receive benefits during the current claim year beginning May 13, 2018.

DECISION:

The May 23, 2018, reference 02, unemployment insurance decision is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning May 13, 2018. If the claimant does earn eight times the prior claim year's WBA in insured wages, she may present evidence of that to IWD to determine eligibility.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn