

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICTORIA E DEGETTE
Claimant

APPEAL NO. 10A-EUCU-00747-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/27/09
Claimant: Appellant (1)

Section 96.4-4 – Second Benefit Year Earnings Requirement

STATEMENT OF THE CASE:

Victoria E. DeGette filed an appeal from an unemployment insurance decision dated July 27, 2010, reference 01, that advised her she was ineligible for state unemployment insurance benefits effective December 27, 2009 since she had not earned and been paid covered wages of at least \$250.00 since the beginning of her previous benefit year on December 28, 2008. After due notice was issued, a telephone hearing was held September 9, 2010 with Ms. DeGette participating. Exhibit A was admitted into evidence. This matter is considered on a consolidated record with 10A-EUCU-00748-AT.

ISSUE:

Has the claimant earned and been paid covered wages of at least \$250.00 since December 28, 2008?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Victoria E. DeGette has received state unemployment insurance benefits since filing a claim effective December 28, 2008. Since that time she has worked as an independent contractor but has not earned wages covered by the unemployment insurance system.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant is eligible for state unemployment insurance benefits effective December 27, 2009. She is not.

Iowa Code section 96.4-4 imposes an additional eligibility requirement on individuals who have received unemployment insurance benefits in a previous benefit year. In addition to meeting the general monetary eligibility requirements, to show continued attachment to the workforce, the individual must establish that he or she has earned and been paid wages covered by the

unemployment insurance system in the amount of at least \$250.00 since the beginning of the previous benefit year. Ms. DeGette has not met that requirement.

DECISION:

The unemployment insurance decision dated July 27, 2010, reference 01, is affirmed. The claimant is ineligible for state unemployment insurance benefits effective December 27, 2009.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs