

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN R GUNNELL
Claimant

APPEAL NO. 09A-UI-04876-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**
Respondent

**Original Claim: 12/21/08
Claimant: Appellant (1-R)**

Section 96.4(4) – Second Benefit Year Requalification

STATEMENT OF THE CASE:

Susan Gunnell filed an appeal from a representative's decision dated March 17, 2009, reference 02, which held she had not earned the \$250.00 required to establish a second benefit year. After due notice was issued, a hearing was held by telephone on April 16, 2009. Ms. Gunnell participated personally.

ISSUE:

At issue in this matter is whether Ms. Gunnell was eligible to receive job insurance benefits during a second benefit year.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Gunnell filed an initial claim for job insurance benefits effective December 23, 2007. In response to a notice from Workforce Development, she filed a new claim in December of 2008. She believed she was filing for emergency unemployment benefits. She has not earned wages from any employer since filing her initial claim in December of 2007.

REASONING AND CONCLUSIONS OF LAW:

If an individual establishes a benefit year, she must, as a condition of receiving benefits in a second benefit year, earn at least \$250.00 in insured wages after filing the initial claim. It is undisputed that Ms. Gunnell has not earned \$250.00 since filing her initial claim in December of 2007. Therefore, she was not eligible for a second benefit year in December of 2008. She filed in December of 2008 because she received a mailing that she might be eligible for emergency unemployment benefits.

The administrative law judge cannot determine if Ms. Gunnell was considered for emergency unemployment benefits in December of 2008. Therefore, this matter shall be remanded to Claims to determine if she was eligible for emergency benefits at that time.

DECISION:

The representative's decision dated March 17, 2009, reference 02, is hereby affirmed. Ms. Gunnell was not eligible for a second benefit year, as she had not earned the requisite wages. This matter is remanded to Claims to determine if she was eligible for emergency unemployment benefits in December of 2008.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw