

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVE P WARD
Claimant

APPEAL NO: 10A-UI-17009-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/14/10
Claimant: Appellant (1)**

Iowa Code § 96.4-4 - Second Benefit Year \$250 Requirement

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 8, 2010 determination (reference 01) that held he was not eligible to receive regular benefits as of November 14, 2010, because he had not earned wages of \$250 since November 15, 2009. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant is not eligible to receive regular unemployment insurance benefits as of November 14, 2010.

ISSUE:

Has the claimant satisfied the \$250 wage requirement to establish a second benefit year?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of November 15, 2009. He has filed for and received benefits since November 15, 2009.

After the claimant's benefit year ended on November 13, 2010, the Department concluded he was monetarily eligible to establish a subsequent benefit year, and could receive \$108 in regular benefits. The claimant did not, however, earn any wages between November 15, 2009, and November 13, 2010.

REASONING AND CONCLUSIONS OF LAW:

If a claimant has drawn benefits in any benefit year, he must, during or subsequent to that year, work in and be paid wages for insured work totaling at least \$250, as a condition to receive benefits in the next benefit year. Iowa Code § 96.4-4. The facts establish the claimant did not earn \$250 in wages from an insured employer between November 15, 2009, and November 13, 2010. The claimant has, however, received unemployment insurance benefits since November 15, 2009.

The claimant has not satisfied the \$250 wage requirement to be eligible to receive regular benefits in a subsequent or second benefit year. This means the claimant is not eligible to

receive regular unemployment insurance benefits as of November 14, 2010. He is, however, eligible to receive Emergency Unemployment Compensation benefits under his 2009 claim year until he exhausts these funds.

DECISION:

The representative's December 8, 2010 determination (reference 01) is affirmed. Until the claimant satisfies the \$250 wage requirement, he is not eligible to establish a second or subsequent benefit year. The claimant is not eligible to receive regular unemployment insurance benefits as of November 14, 2010. But, he remains eligible to receive Emergency Unemployment Compensation benefits as of November 14, 2010.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs