

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL E FOLKERS
Claimant

APPEAL NO. 09A-UI-04239-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 01/11/09
Claimant: Appellant (1)**

Section 96.4(4) – Qualified Earnings

STATEMENT OF THE CASE:

The claimant, Daniel Folkers, filed an appeal from a decision dated March 13, 2009, reference 01. The decision found him ineligible to receive regular state unemployment benefits because at least \$250.00 had not been earned in insured wages during or subsequent to a prior benefit year. After due notice was issued, a hearing was held by telephone conference call on April 10, 2009. The claimant participated on his own behalf.

ISSUE:

The issue is whether the claimant earned at least \$250.00 during or subsequent to a prior benefit year.

FINDINGS OF FACT:

Daniel Folkers filed a prior claim with an effective date of January 13, 2008. The current benefit year was filed effective January 11, 2009. The claimant has not earned \$250.00 from insured work during or subsequent to the prior benefit year before filing the current claim.

Subsequent to filing the January 2009 claim, Mr. Folkers was determined to be eligible for emergency unemployment compensation benefits, and filed an additional claim on his prior benefit year effective March 8, 2009. However, he had received regular state unemployment benefits since January 2009, creating an overpayment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-4 provides:

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

4. 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 subsection 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.

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.

Under the provisions of the above Code section, the claimant is not eligible to receive unemployment benefits on the current claim year, as sufficient insured wages have not been earned as required.

DECISION:

The representative's decision of March 13, 2009, reference 01, is affirmed. Daniel Folkers is not eligible for regular state unemployment benefits, as he has not earned at least \$250.00 from insured work during or subsequent to his prior benefit year.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw