

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LYNDA C ALCANTAR
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 15A-UI-00913-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/28/14
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the January 14, 2015 (reference 02) unemployment insurance decision that denied benefits because of not having sufficient wages with other employers in the base period to be eligible to draw benefits. After due notice was issued, a hearing was held on February 17, 2015. Claimant participated.

ISSUE:

Did the claimant earn insured wages of \$250 or more during or after the previous benefit year to make her 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 did not earn at least \$250 in insured wages during or subsequent to the prior claim year beginning on or about December 30, 2013. Claimant must earn wages after her separation date. Receiving wages for work that occurred prior to separation from employment is not covered under the rule.

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 § 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.

Because the claimant does not have sufficient wages in the base period from other employers to be eligible to draw benefits, she is not eligible to receive benefits during the current claim year beginning December 28, 2014.

DECISION:

The January 14, 2015 (reference 02) unemployment insurance decision is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning December 28, 2014. If claimant does earn \$250 in insured wages she may present evidence of that to IWD to determine eligibility.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/can