

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES R PRICE
Claimant

APPEAL 18A-UI-05226-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/15/18
Claimant: Appellant (2)**

Iowa Code §96.4(4) – Subsequent Benefit Year

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the April 25, 2018, (reference 01) decision that denied benefits because of failure to earn at least eight times his weekly benefit amount (WBA) during or after the prior claim year. After due notice was issued, a hearing was held by telephone conference call on May 24, 2018. Claimant participated. Claimant's Exhibit A was admitted into the record.

ISSUE:

Did the claimant earn insured wages of at least eight times his WBA from his prior claim year in order to be eligible for benefits in a second claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an original claim date of April 16, 2017. His WBA was calculated at \$296.00 per week. The claimant collected benefits during his claim year that ended on April 15, 2018. Claimant returned to work for his employer and during 2018 has earned at least \$3006.50 dollars. Claimant has earned more than \$2,368, which is eight times his WBA of \$296.00. The claimant earned those wages during his prior claim year. Claimant filed a new claim for benefits with an original claim date of April 15, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive benefits during the subsequent benefit year.

Effective July 2, 2017, Iowa Code section 96.4(4)a and c provides:

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

4. a. 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 paragraph 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.

c. 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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

Because the claimant did earn at least eight times his weekly benefit amount in insured wages during or subsequent to the claim year beginning April 16, 2017, the claimant is eligible to receive benefits during the claim year beginning April 15, 2018.

DECISION:

The April 25, 2018, (reference 01), decision is reversed. The claimant is eligible to receive benefits during the claim year beginning April 15, 2018.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs