

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES A SLATTON
Claimant

APPEAL NO. 09A-EUCU-00555-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 10/26/08
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the November 10, 2009 (reference 01) decision that denied UI benefits effective October 26, 2008 because of a lack of at least \$250.00 in insured wages during or after the October 28, 2007 claim year, thus rendering him ineligible to draw benefits on a new claim. The decision allowed some EUC benefits to be paid on the October 28, 2007 claim and offset against the overpayment. After due notice was issued, a hearing was held on January 28, 2010. Claimant participated.

ISSUE:

The issue is whether claimant earned insured wages of \$250.00 or more during or after the previous 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 \$250.00 in insured wages during or subsequent to the prior claim year beginning October 28, 2007, as he earned only \$222.00 with Integrity Carpet Cleaning (account number 351076) in the third quarter of 2008 after his employment with Maytag ended in the first quarter of 2008. He does not have sufficient wages in the base period from other employers to be eligible to draw benefits.

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. He does not have sufficient wages in the base period from other employers.

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 did not earn at least \$250.00 in insured wages during or subsequent to the claim year beginning October 28, 2007 and he does not have sufficient wages in the base period from other employers to be eligible to draw benefits, he is not eligible to receive benefits during the current claim year beginning October 26, 2008.

DECISION:

The November 10, 2009 (reference 01) decision is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning October 26, 2008. If claimant does earn or can produce evidence of additional insured wages, he may present evidence of that to the local office to determine eligibility.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw