

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KYLE AGOSTINELLI
Claimant

APPEAL 20A-UI-03123-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code § 96.4(4) – Eligibility

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the April 7, 2020 (reference 01) unemployment insurance decision that found claimant was not eligible for benefits in a second benefit year because he had not been paid insured wages during or after the previous claim year of at least eight (8) times the weekly benefit amount of the previous claim year. The claimant was properly notified of the hearing. A telephone hearing was held on May 11, 2020. The claimant participated personally. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Has the claimant been paid insured wages sufficient to be eligible for benefits in a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an initial claim for benefits effective January 13, 2019. His weekly benefit amount was \$177.00. That benefit year expired and the claimant filed an initial claim in a subsequent benefit year effective March 29, 2020.

Claimant has not worked and earned insured wages since filing his previous claim for benefits effective January 13, 2019. He last worked for Sam's Pizza and earned \$238.00 in covered wages with that employer. Claimant's administrative records establish that he has not been paid any unemployment insurance benefits effective March 29, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not been paid sufficient wages to be eligible for unemployment insurance benefits in a second benefit year. Benefits are denied effective March 29, 2020.

Iowa Code section 96.4(4)a-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.

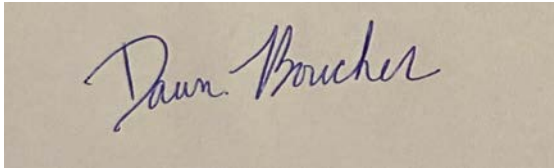
c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

The claimant failed to work in and be paid wages for insured work totaling at least eight times his weekly benefit amount, as a condition to receiving benefits in a subsequent benefit year. As such, benefits are denied in his new benefit year effective March 29, 2020.

Note to Claimant: If this decision determines you are not eligible for regular unemployment insurance benefits and you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The April 7, 2020 (reference 01) decision is affirmed. Claimant has not worked in and been paid wages for insured work totaling at least eight times his weekly benefit amount of the previous claim year to be eligible for benefits in a subsequent benefit year. Benefits are denied effective March 29, 2020. If claimant does earn eight times the prior claim year's weekly benefit amount in insured wages he may present evidence of that to Iowa Workforce Development to determine eligibility at that time.



Dawn Boucher
Administrative Law Judge

May 12, 2020
Decision Dated and Mailed

db/scn