

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

IAN A BAKER
Claimant

APPEAL NO. 20A-UI-03975-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (1)

Iowa Code § 93.5-4 – Determination of Benefits
Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

The claimant appealed a representative's May 4, 2020, monetary determination that denied benefits because of not having sufficient wages in the base period to be eligible to draw benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on June 2, 2020. The claimant participated in the hearing with his father, Ken Baker.

ISSUE:

The issue is whether the claimant is eligible to receive benefits during the current benefit year.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of April 26, 2020. The claimant's base period of employment includes the first quarter of 2019 through the fourth quarter of 2019. The claimant earned \$624.00 between September 2019 and March 2020 working as a lifeguard with Luther College where he attends school as a full-time student. He has the option of designating his wages for tuition or taking it in cash.

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 current benefit year from other employers.

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 one-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefits 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.

871 IAC 23.20(96) provides in pertinent part:

Employment – student and spouse of student. Wages earned by a student who performs services in the employee of a school, college or university at which the student is enrolled and is regularly attending classes (either on a full-time or part-time basis) are not covered wages for claim or benefits purposes. Wages earned by an individual who is a full-time employee for a school, college or university whose academic pursuit is incidental to the full-time employment are covered wages. Wages earned by the spouse of such a student in employment with the educational institution attended by the student are not covered wages for benefits purposes if the employee-spouse is told prior to commencing the employment that the work is part of a program to provide financial assistance to the student and is not covered by unemployment insurance.

The claimant did not have sufficient wages in the base period to be eligible to draw benefits. The claimant is not eligible to receive benefits during the current claim year beginning April 26, 2020, because his wages were earned as a full-time student working for the school which are not covered wages for claim or benefit purposes.

DECISION:

The monetary record dates May 4, 2020 is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning April 26, 2020.



Julie Elder
Administrative Law Judge

June 16, 2020
Decision Dated and Mailed

je/mh