

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**FRANK M CLEAVER JR**  
Claimant

**APPEAL NO. 10A-UI-04075-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/14/10  
Claimant: Appellant (1)**

Section 96.4-4 – Earnings Requirement/\$250 Between Benefit Years

**STATEMENT OF THE CASE:**

The claimant appealed from a representative's decision dated March 10, 2010, reference 01, that denied him benefits effective February 14, 2010, because he failed to earn \$250 during or after his previous benefit year. A telephone hearing was held on April 28, 2010. The claimant participated.

**ISSUE:**

Whether the claimant has earned \$250 between benefit years.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered the evidence in the record, finds that: The claimant was separated from employment at Heartland Finishes Inc. for no disqualifiable reason. The claimant filed an unemployment claim effective February 15, 2009, and was eligible for benefits. The claimant has not worked for any employer and earned wages for insured work of at least \$250 since his previous unemployment claim leading up to the filing of his most recent claim on February 14, 2010.

The claimant was advised to make a department inquiry whether he is eligible for extended (EUC) benefits.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

The administrative law judge concludes that the claimant is not eligible to receive benefits on his current unemployment claim effective February 14, 2010, because he does not meet the earnings qualification requirement of \$250 of insured work since his prior claim, February 15, 2009.

The law requires an unemployed individual to work and earn at least \$250 for insured work during or subsequent to a benefit year in order to be eligible for a 2nd benefit year. The claimant admitted that he has not worked for any employer since his separation from Heartland Finishes Inc.

**DECISION:**

The decision of the representative dated March 10, 2010, reference 01, is affirmed. The claimant is not eligible to receive benefits effective February 14, 2010 until he has worked in and been paid wages for insured work of at least \$250, provided he is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs