

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**DOUGLAS J LEHR
PO BOX 353
SGT BLUFF IA 51054**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 06A-UI-06294-HT
OC: 02/05/06 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(4) - Requalification

STATEMENT OF THE CASE:

The claimant, Douglas Lehr, filed an appeal from a decision dated June 7, 2006, reference 03. The decision denied his request to remove the second year benefit disqualification. After due notice was issued, a hearing was held by telephone conference call on July 11, 2006. The claimant participated on his own behalf. Exhibit A was admitted into the record.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Douglas Lehr filed a claim for unemployment benefits with an effective date of February 6, 2005. He filed a new claim effective February 5,

2006, but was disqualified from receiving benefits in the second year because he had not earned at least \$250.00 during the previous year.

Mr. Lehr submitted a copy of a check from DNS Landscaping dated March 15, 2006, for \$307.30. This check represented 31.25 hours of work at \$11.00 per hour, minus a \$50.00 advance and plus some reimbursement for supplies. There was no deduction for state or federal taxes or for social security. No wages have been reported for the first quarter of 2006 in the state of Nebraska, where DNS Landscaping is based.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant has presented sufficient evidence to remove the earnings disqualification from his claim for unemployment benefits.

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.

Although the claimant presented a copy of a check for \$307.30 as proof of earnings in excess of \$250.00, the administrative law judge cannot accept this as proof of insured earnings. No withholdings for state and federal taxes was done, nor was there any withholding for social security. No wages have been reported for the claimant in Nebraska. Because of these factors, the evidence is insufficient to establish that insured wages were paid and the requalification earnings have not been established.

DECISION:

The representative's decision of June 7, 2006, reference 03, is affirmed. Douglas Lehr remains disqualified from receiving benefits due to lack of qualified earnings.

bgh/cs