

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KATHY S MCGARRY
Claimant

APPEAL NO. 21A-UI-09144-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/14/21
Claimant: Appellant (2R)**

Iowa Code Section 96.4(4) – Second Benefit Year Minimum Earnings Requirements

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 29, 2021, reference 01, decision that denied regular benefits effective March 14, 2021, based on Agency determination that the claimant had not met the eight-times-weekly-benefit-amount minimum earnings requirements to be eligible for benefits in connection with a second benefit year. After due notice was issued, a hearing was held on June 16, 2021. The claimant participated. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the following agency administrative records: DBIN, DBRO and Wage-A.

The administrative law judge held the record open through June 17, 2021 for the limited purpose of allowing the claimant to submit wages records for the period of January 1, 2021 to the present. In the event the claimant submits such records, they will be received into the hearing record as Exhibit B.

ISSUES:

Whether the claimant has met the eight-times weekly benefit amount earnings requirement to be eligible for benefits in connection with a second claim year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective March 15, 2020. At the time the claimant established her original claim, she had most recently been employed by Crossmark, Inc. as a product demonstrator assigned to Sam's Club. At the time the claimant established her original claim, she reported she had most recently performed work for Crossmark on February 19, 2020. Iowa Workforce Development set the weekly benefit amount at \$110.00. The claimant made weekly claims and received weekly benefits in connection with the claim.

During the week that ended May 16, 2020, the employer provided a very small amount of alternative work at Sam's Club, for which the claimant earned \$24.00.

During the fourth quarter of 2020, the claimant earned and employer paid \$420.00 in wages. The claimant reported the wages to IWD when she made her weekly claims for the period between October 25, 2020 and December 26, 2020. The claimant's wage report matched the employer's quarterly wage report to the dollar.

During the period of January 1, 2021 through February 27, 2021, the claimant earned and the employer paid additional wages that brought the claimant's earnings during the claim year to \$888.00. The claimant earned and the employer paid additional wages before the claim year expired on March 13, 2021.

The claimant established a new original claim and new claim year that was effective March 14, 2021. The base period for purpose of the new claim year consists of the fourth quarter of 2019 and the first, second and third quarter of 2020. The claimant's highest earnings base period quarter was the fourth quarter of 2019, when the employer paid her \$2,119.42 in wages. The claimant also earned and was paid \$1,371.83 during the first quarter of 2020.

REASONING AND CONCLUSIONS OF LAW:

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.

[Emphasis added.]

The claimant is monetarily eligible for benefits in connection with the second claim year that was effective March 14, 2021. The evidence in the record establishes that the claimant received benefits during the benefit year that started March 15, 2020. After the claimant established that claim, she worked in and was paid wages for insured work equal to eight times her \$110.00 weekly benefit amount before she established the new benefit year that was effective March 14, 2021. In addition, she met the base period minimum earnings requirement.

DECISION:

The March 29, 2021, reference 01, is reversed. Effective March 14, 2021, the claimant is monetarily eligible for benefits in connection with the second claim year that was effective March 14, 2021. The claimant met both the eight-times-weekly-benefit-amount minimum earnings requirement and the base period minimum earnings requirement.

This matter is **remanded** to the Investigations & Recovery Unit for a determination of whether the claimant should be paid benefits that the Agency cancelled for the period of December 27, 2020 through February 20, 2021. The claimant advises that the benefits were cancelled after the Agency determined the claimant might have been the victim of identity theft/fraud during the period in question. The claimant advises that she has been unable to contact the Investigation & Recovery personnel directly to inquire about the cancelled benefits.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light-colored background.

James E. Timberland
Administrative Law Judge

June 30, 2021
Decision Dated and Mailed

jet/lj