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

BENJAMIN W GRUNDMEIER
Claimant

APPEAL NO. 07A-UI-09574-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
   DEVELOPMENT DEPARTMENT**

OC: 09/23/07   R: 03
Claimant: Appellant (1)

Section 96.4-4 - Insured Wages

STATEMENT OF THE CASE:

Benjamin Grundmeier filed an appeal from a representative's decision dated October 3, 2007, reference 01, which held claimant not eligible to receive unemployment insurance . After due notice, a telephone conference hearing was scheduled for and held on October 29, 2007. Mr.Grundmeier participated.

ISSUE:

The issue is whether the claimant worked and earned at least $250.00 in insured wages between claim years.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has not earned or been paid wages for insured work of at least $250.00 during or after the previous benefit year during which Mr. Grundmeier received unemployment insurance benefits. The claimant was last employed by Dave Schmitt Construction Company on August 30, 2006. The claimant has earned no wages for insured work since that time. He then opened a new the claim for benefits effective September 23, 2007.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(4) sets forth, in relevant part, the following: "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 $250.00, as a condition to receive benefits for the next benefit year." Based upon the evidence in the record and the applicable law, the administrative law judge concludes the claimant did not worked in and not paid wages for insured work totaling $250.00 or more either during or after the previous benefit year in which the claimant received unemployment insurance 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.

DECISION:

The representative's decision dated October 3, 2007, reference 01, is hereby affirmed. The claimant is not eligible to receive unemployment insurance benefits because he has not been paid insured wages of at least $250.00 during or after the previous benefit year in which the claimant received unemployment insurance benefits. Claimant is disqualified from receiving unemployment insurance benefits effective September 23, 2007.

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Terence P. Nice
Administrative Law Judge

_____
Decision Dated and Mailed

tpn/css