

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNDA M WALKUP
Claimant

APPEAL NO. 09A-UI-18201-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/22/09
Claimant: Appellant (1)

Section 96.4-4 – Requalification for New Benefit Year

STATEMENT OF THE CASE:

The claimant appealed overpayment decisions that were based on a decision dated November 16, 2009, reference 02, which held claimant eligible for regular unemployment insurance benefits because she had been paid insured wages of \$250.00 since her previous benefit year. A telephone hearing was held on January 14, 2010. The claimant participated in the hearing with her attorney, David Hanson. During the hearing, the claimant through her attorney expressed agreement with the decision and opposed having the decision reversed after being informed the overpayments of emergency unemployment compensation question were being recovered by offset against regular unemployment insurance benefits payable to the claimant.

ISSUE:

Did the claimant work and earn insured wages of at least \$250.00 between claim years.

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits effective February 24, 2008. After her claim was filed, she worked for ServCorp LLC and was paid wages of \$652.50. She filed for a second benefit year effective February 22, 2009.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-4 provides that "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 claimant has met this requirement and was eligible for regular unemployment insurance benefits effective February 22, 2009.

DECISION:

The unemployment insurance decision dated November 16, 2009, reference 02, is affirmed. The claimant was eligible for regular unemployment insurance benefits effective February 22, 2009.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs