

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GLADYS V COTTON**  
Claimant

**APPEAL NO. 11A-UI-14846-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/30/11**  
**Claimant: Appellant (1)**

Iowa Code section 96.4(4) – Minimum Earnings Required for Eligibility

**STATEMENT OF THE CASE:**

Gladys Cotton filed a timely appeal from the November 9, 2011, reference 01, decision that denied benefits effective October 30, 2011 based on an Agency conclusion that she did not meet the minimum earnings requirement to be eligible for benefits during a second benefit year. After due notice was issued, a hearing was held on December 8, 2011. Ms. Cotton participated. Exhibit A was received into evidence.

**ISSUE:**

Whether the claimant has worked in and earned at least \$250.00 from insured work during or subsequent to the benefit year in which she collected benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Gladys Cotton established a claim for unemployment insurance benefits that was effective October 31, 2010 in connection with her October 29, 2010 separation from Cracker Barrel Restaurant. Ms. Cotton received regular and extended benefits for the period of October 31, 2010 through October 22, 2011. Since Ms. Cotton separated from Cracker Barrel Restaurant in October 2010, she has had no further employment.

Ms. Cotton established a new original claim for benefits that was effective October 30, 2011. Ms. Cotton's base period for purposes of the new claim consists of the third and fourth quarter of 2010 and the first and second quarter of 2011. During the third quarter of 2010, Ms. Cotton's wages from Cracker Barrel totaled \$4,835.14. During the fourth quarter of 2010, Ms. Cotton's wages from Cracker Barrel totaled \$1,382.34. Ms. Cotton had no other base period wages.

**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.

"Insured work" is employment, as defined in a state employment security law, performed for a subject employer, or federal employment as defined in the Social Security Act. 871 IAC 24.1(62).

The evidence indicates that Ms. Cotton established a claim that was effective October 31, 2010, received benefits in connection with the claim, established a new claim that was effective October 30, 2011, but that she had no wages from October 31, 2010 onward.

There are two minimum earnings requirements that Ms. Cotton must meet to be eligible for benefits in connection with the new claim year that started October 30, 2011. Ms. Cotton does not meet either requirement. One requirement is that Ms. Cotton must have earned \$250.00 in wages during the benefit year in which she received benefits or in a second benefit year before she can be eligible for benefits in the second benefit year. The second requirement is that Ms. Cotton's base period wage credits must equal at least 1.5 times the wages she had during her highest earning base period quarter.

Ms. Cotton is not eligible for benefits in connection with the new benefit year that started October 30, 2011.

**DECISION:**

The Agency representative's November 9, 2011, reference 01, decision is affirmed. The claimant does not meet the minimum earnings requirements to be eligible for benefits in connection with the second benefit year that started October 30, 2011. Benefits are denied effective October 30, 2011.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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