

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

MICHAEL P GARDNER
1516 S 8TH ST #2
COUNCIL BLUFFS IA 51501

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-02249-B4T
OC: 02-08-04 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 – Whether the Claimant has Worked & Earned at Least \$250.00 in Insured Wages Between Claim Years

STATEMENT OF THE CASE:

Michael P. Gardner appealed from an unemployment insurance decision dated February 18, 2004, reference 1, that held, in effect, the claimant was not eligible to receive unemployment insurance benefits because he had not been paid wages for insured work of at least \$250.00 either during or after the previous benefit year in which he received benefits. Benefits were denied effective February 8, 2004.

A telephone conference hearing was scheduled and held on March 17, 2004, pursuant to due notice. Michael P. Gardner participated.

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Michael P. Gardner filed an initial claim for benefits having an effective date of February 9, 2003. Subsequently, the claimant received benefits in the amount of \$173.00 per week throughout the period from the benefit week ending February 15, 2003 through the benefit week ending September 20, 2003. The claimant received the maximum benefits allowed of \$3,476.12 in regular benefits and \$1,738.06 in extended benefits. During the period of time following the initial claim date of February 9, 2003 through the date of the hearing held in this matter the claimant did not earn wages equal to or in excess of \$250.00. Wages were reported in the amount of \$37.00 for the benefit week ending February 28, 2004 and wages in the amount of \$96.00 were reported for the benefit week ending February 15, 2003.

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.

The evidence in the record does not establish that the claimant has earned wages equal to or in excess of \$250.00 since the filing of his original claim for benefits having an effective date of February 9, 2003 through the date of the hearing held in this matter.

Under such circumstances, the claimant has not requalified for benefits as of the effective date of his new claim being February 8, 2004. Subsequent to February 8, 2004 the claimant has not earned wages totaling \$250.00 or more.

Under such circumstances, the claimant has failed to requalify for benefits within the intent and meaning of Iowa Code Section 96.4-4.

DECISION:

The unemployment insurance decision dated February 18, 2004, reference 1, is affirmed. Michael P. Gardner is not eligible to receive unemployment insurance benefits until such time as he has requalified under the provisions of the Iowa Employment Security Law.

b/b