

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

JOHN R BRANDENBURG  
730 OLYMPIC DR  
WATERLOO IA 50701

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-05254-DWT  
OC: 05/01/05 R: 03  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-4 – Second Benefit Year \$250 Requirement

STATEMENT OF THE CASE:

John R. Brandenburg (claimant) appealed a representative's May 11, 2005 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits in a subsequent benefit year because he had not been paid wages of at least \$250.00 during or after his previous benefit year. After hearing notices were mailed to the claimant's last-known address of record, a telephone hearing was held on June 7, 2005. The claimant participated in the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant worked and been paid insured wages of at least \$250.00 between May 2, 2004 and May1, 2005?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of May 2, 2004. The claimant filed his claim in 2004 when his job with Cedar Valley Aviation (employer) ended on April 30, 2004. This employer attributed the payment of \$462.00 in accrued vacation to May 3 through 6, 2004.

The claimant filed a claim for the week ending May 8, 2004, and initially received \$300.00 in benefits for this week. After the Department received information that the employer attributed the \$462.00 vacation pay to this week, the claimant was held overpaid \$300.00. This amount was offset the following week.

The claimant has not worked for an insured employer since April 30, 2004. The claimant established a claim for unemployment insurance benefits during the week of May 1, 2005.

REASONING AND CONCLUSIONS OF LAW:

If a claimant 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 (\$250.00), as a condition to receive benefits in the next benefit year. Iowa Code §96.4-4. (Emphasis supplied.)

The claimant asserted that since the \$462.00 vacation pay was attributed to the week of May 2, he received wages of \$250.00 subsequent to filing his claim of May 1, 2004. Therefore, he has satisfied the \$250.00 requirement and should be eligible to receive benefits as of May 1, 2005. Unfortunately, the law clearly states a claimant must **work in** and be paid wages of \$250.00 or more. The claimant has not worked since April 30, 2004. Iowa Code §96.4-4 clearly states a claimant must satisfy both requirements before he can be qualified to receive benefits in a subsequent benefit year. The claimant has not satisfied the requirements of Iowa Code §96.4-4. The claimant is not eligible in a subsequent benefit year until he works and is paid at least \$250.00 in wages from an insured employer.

DECISION:

The representative's May 11, 2005 decision (reference 02) is affirmed. Since the claimant has not worked since April 30, 2004, he has not satisfied the requirements of Iowa Code §96.4-4 and is not eligible to receive benefits in his second benefit year he established as of May 1, 2005.

dlw/pjs