

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELA M GABEL
Claimant

APPEAL NO. 10A-UI-03567-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/17/10
Claimant: Appellant (2)

Section 96.4-4 – Qualification in a New Benefit Year

STATEMENT OF THE CASE:

Angela Gabel (claimant) appealed a representative's February 26, 2010 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she had not received wages of at least \$250.00 during or after her previous benefit year. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was held on April 10, 2010. The claimant participated personally.

ISSUE:

The issue is whether the claimant received wages of at least \$250.00 during or after her previous benefit year.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for unemployment insurance benefits effective January 18, 2009 after his employment with Bituma Corporation ended in January 2009. The claimant exhausted the maximum benefit amount on the claim filed effective January 18, 2009. The claimant subsequently filed a claim for unemployment insurance benefits effective January 17, 2010.

The claimant has requalified for benefits since the separation from the employer. She was employed by Tasc and earned at least \$250.00 during or after her previous benefit year.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant has satisfied the conditions for eligibility in a new benefit year.

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 statute requires that a claimant work in and be paid wages for insured work since the beginning of the previous benefit year in order to be eligible for benefits in a subsequent benefit year. The intent of the statute is to prevent a claimant from drawing benefits in two benefit years based on the same employment and separation from employment and require some new work and wages before receiving benefits in a second benefit year.

The record establishes that the claimant has not worked in or been paid wages for insured work of at least \$250.00 either during or after the previous benefit year. Therefore, it is the conclusion of the administrative law judge that the claimant has not met the provisions of Iowa Code section 96.4-4 and benefits were properly denied.

DECISION:

The representative's February 26, 2010 decision (reference 02) is reversed. The claimant has been paid wages of at least \$250.00 for insured work since her prior claim. The claimant is eligible to receive unemployment insurance benefits effective January 17, 2010.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css