

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICTOR PROBST
Claimant

APPEAL NO. 10A-EUCU-00209-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/21/10
Claimant: Appellant (1)

Section 96.4-4 – Earnings Requirement/\$250.00 Benefit Year

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated March 17, 2010, reference 01, that denied him benefits effective February 21, 2010, because he failed to earn \$250.00 during or after his previous benefit year. A telephone hearing was held on April 21, 2010. The claimant participated.

ISSUE:

Whether the claimant has earned \$25.000 between benefit years.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered the evidence in the record, finds that: The claimant was separated from employment at Casey's Marketing Company on February 11, 2009, for no disqualifiable reason. The claimant filed an unemployment claim effective February 22, 2009, and was eligible for benefits. The claimant has not worked for any employer and earned wages for insured work of at least \$250.00 since his previous unemployment claim leading up to the filing of his most recent claim on February 21, 2010. The claimant has received extended (EUC) benefits.

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 administrative law judge concludes that the claimant is not eligible to receive regular benefits on his current unemployment claim effective February 21, 2010, because he does not meet the earnings qualification requirement of \$250.00 of insured work since his prior claim, February 22, 2009.

The law requires an unemployed individual to work and earn at least \$250.00 for insured work during or subsequent to a benefit year in order to be eligible for a second benefit year (regular unemployment compensation). The claimant admitted that he has not worked for any employer since his separation from Casey's.

DECISION:

The decision of the representative dated March 17, 2010, reference 01, is affirmed. The claimant is not eligible to receive regular benefits effective February 21, 2010 until he has worked in and been paid wages for insured work of at least \$250.00, provided he is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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