

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DWIGHT D JACOBS
Claimant

APPEAL NO. 12A-UI-11893-SWT

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/16/12
Claimant: Appellant (4)**

Iowa Code § 96.4(4) - \$250.00 Wage Earning Requirement for Second Benefit Year

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 26, 2012, reference 01, that concluded he was not eligible to receive benefits as of September 16, 2012, because he had not earned \$250.00 in wages since September 18, 2011. A telephone hearing was held on October 30, 2012. Prior to the hearing, a determination issued on October 5, 2012 (reference 02) held the claimant eligible to receive benefits as of September 30, 2012, because the claimant established he had earned more than \$250.00 since September 18, 2011. As a result of the determination issued on October 5, 2012, there was no need for a hearing.

ISSUE:

Did the claimant earn wages of \$250.00 or more after September 18, 2011?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of September 18, 2011. He established a second benefit year during the week of September 16, 2012. The claimant provided information on October 3, 2012, that he earned wages of more than \$250.00 from Clay County Fair Association between September 8 and 16, 2012.

An October 5, 2012 determination (reference 02) amended the September 26, 2012 determination that held the claimant was not eligible to receive benefits as of September 16, 2012, because he had not earned \$250.00 since his first benefit year. The October 5 determination held the claimant eligible to receive benefits as of September 30, 2012.

REASONING AND CONCLUSIONS OF LAW:

When a claimant establishes a second benefit year, he must earn \$250.00 before he is eligible to receive benefits in a second benefit year when he has received benefits in the first benefit year. Iowa Code § 96.4(4). After the September 26 determination was issued, the claimant established he earned wages of more than \$250.00 in September 2012. Based on the October 5, 2012 determination (reference 02), the claimant is eligible to receive benefits as of September 30, 2012.

DECISION:

The unemployment insurance decision dated September 26, 2012, reference 01, is modified. An October 5, 2012 determination, reference 02, held the claimant eligible to receive benefits as of September 30, 2012.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

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