

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSCHELL D FLUCKES**  
Claimant

**APPEAL NO. 11A-UI-07614-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/15/11**  
**Claimant: Appellant (1)**

Section 96.4-4 – Second Benefit Year Earnings Requirement

**STATEMENT OF THE CASE:**

Roschell D. Fluckes filed a timely appeal from an unemployment insurance decision dated June 2, 2011, reference 01, that ruled she was ineligible for a new state unemployment insurance benefit year effective May 15, 2011, because she had not earned and been paid insured wages of at least \$250.00 since the beginning of her prior benefit year on May 16, 2010. After due notice was issued, a telephone hearing was held on June 27, 2011 with Ms. Fluckes participating.

**ISSUE:**

Has the claimant met the second benefit year earnings requirement?

**FINDINGS OF FACT:**

Roschell D. Fluckes filed a claim for unemployment insurance benefits effective May 16, 2010 after the end of her employment with St. Luke's Methodist Hospital. Ms. Fluckes has not worked since then. She has not exhausted all Emergency Unemployment Compensation benefits based on her May 16, 2010 benefit year.

**REASONING AND CONCLUSIONS OF LAW:**

The question is not whether Ms. Fluckes is eligible to receive any benefits at this time. Rather, the question is whether she is eligible to open a new state unemployment insurance benefit year as of May 15, 2011.

The unemployment insurance system requires that claimants who have received benefits in a prior benefit year show their continued attachment to the work force by earning and being paid wages covered by the unemployment insurance system in the amount of at least \$250.00 since the beginning of their last benefit year. See Iowa Code § 96.4-4. Ms. Fluckes testified that she has not been employed since the beginning of her benefit year in May 2010. Therefore, she is not eligible to open a new state unemployment insurance benefit year at this time. She is

encouraged to contact the agency to reopen her previous benefit year because she has not exhausted all Emergency Unemployment Compensation based on that claim.

**DECISION:**

The unemployment insurance decision dated June 2, 2011, reference 01, is affirmed. The claimant is not eligible for a new state unemployment insurance benefit year as of this time.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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