

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MATTHEW D LYLE**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 24A-UI-05157-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/28/24  
Claimant: Appellant (1R)**

Iowa Code § 96.4(4) - Subsequent Benefit Year qualification

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the May 16, 2024 (reference 01) unemployment insurance benefits decision that found the claimant was not eligible for benefits in a subsequent benefit year because he had not worked in and been paid wages of at least eight times the weekly benefit amount of the previous claim year after the effective date of his first claim year. Due notice was issued, and a telephone hearing was held on June 17, 2024. The claimant participated personally. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant eligible for benefits in a subsequent benefit year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an initial claim for unemployment insurance benefits with an effective date of April 30, 2023 when his hours were reduced at his employer Fisher Incorporated, where he worked as a full-time machine operator. Claimant filed weekly-continued claims for benefits during that claim year. His weekly benefit amount was \$357.00.

Effective April 28, 2024, claimant filed an original claim for unemployment insurance benefits after his 2023 claim year expired. His wage history in his Iowa Workforce Development records only shows that he had earnings from Fisher Incorporated in the first and second quarters of 2023. Fisher Incorporated was sold to Marketing.com LLC, whom the claimant continued to work for in the third and fourth quarter of 2023 and first quarter of 2024 as a full-time machine operator. Claimant separated from Marketing.com LLC on April 29, 2024 with his last day that he physically worked there on the job was April 18, 2024.

Claimant's wages for the third and fourth quarter of 2023, and the first quarter of 2024, with Marketing.com LLC do not show as being reported in Iowa as wages for the claimant. This employer's headquarters is located at 101 Workman Court, Eureka, Missouri 63025. The local office is at 1250 North Center Point Road, Hiawatha, Iowa 52233. A phone number for this

company is 319-393-5405 extension 156. It is unknown whether these wages have been reported to Missouri for this claimant so that matter will be remanded to the Benefits Bureau for investigation. No documentation was provided by the claimant at the time of hearing.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code section 96.4(4)a and c provide:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. a. 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 paragraph 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.

c. 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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

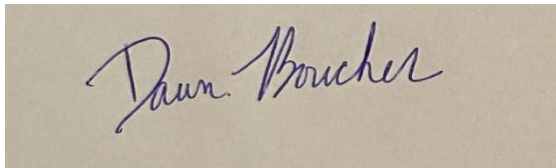
Claimants who draw benefits in a subsequent benefit year must meet the qualification listed in Iowa Code section 96.4(4) in order to demonstrate an ongoing connection to the labor market by earning at least eight times the prior claim year's weekly benefit amount in insured wages during or subsequent to the claim year. In this case, any wages earned and paid after April 30, 2023 would be considered. While claimant gave testimony that he worked for Marketing.com LLC, it is unclear if these were wages (as opposed to self-employment) or if they were submitted to Missouri Workforce Development or if the employer (Marketing.com LLC) simply failed to include them in reports to Iowa Workforce Development. As such, that matter will be remanded to the Benefits Bureau and/or Tax Department for an initial investigation and determination. Until that matter is investigated and wages are entered into the system for Iowa, claimant's benefits are denied as he has not demonstrated that he has worked in and been paid sufficient wages to be eligible for benefits in a second benefit year.

**DECISION:**

The May 16, 2024 (reference 01) unemployment insurance benefits decision is affirmed pending the remanded issue. The claimant has failed to establish that he has worked in and been paid sufficient wages to be eligible for benefits in a second benefit year. The claimant may re-submit his pay stubs or W2 to Iowa Workforce Development to aid in its wage investigation.

**REMAND:**

The issue of whether the claimant earned wages from Marketing.com LLC in the third and fourth quarter of 2023 or the first quarter of 2024 is remanded back to Iowa Workforce Development for a wage investigation. The claimant may submit copies of any paystubs or W2s he received from this employer to aid the agency in its investigation. At such time that Iowa Workforce Development determines that the claimant did earn and receive payment of wages from this employer after his April 30, 2023 original claim date, a review of whether he has shown sufficient evidence of complying with Iowa Code section 96.4(4) shall be made by the agency at that time.



---

Dawn Boucher  
Administrative Law Judge

June 19, 2024  
Decision Dated and Mailed

db/rvs

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, IA 50321  
Fax: (515)281-7191  
Online: eab.iowa.gov**

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. *There is no filing fee to file an appeal with the Employment Appeal Board.*

**AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may file a petition for judicial review in district court.

2. If you do not file an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at [www.iowacourts.gov/efile](http://www.iowacourts.gov/efile). *There may be a filing fee to file the petition in District Court.*

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or 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.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, IA 50321  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal. *No hay tarifa de presentación para presentar una apelación ante la Junta de Apelación de Empleo.*

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si no presenta una apelación de la decisión del juez ante la Junta de Apelación de Empleo dentro de los quince (15) días, la decisión se convierte en una acción final de la agencia y tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días. Puede encontrar información adicional sobre cómo presentar una petición en [www.iowacourts.gov/efile](http://www.iowacourts.gov/efile). *Puede haber una tarifa de presentación para presentar la petición en el Tribunal de Distrito.*

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.