

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KIM K CHRISTENSEN
Claimant

APPEAL 17A-UI-09696-LJ

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/13/17
Claimant: Appellant (1)**

Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

Claimant filed an appeal from the August 23, 2017 (reference 02) unemployment insurance decision that denied benefits because of a lack of at least eight times the prior claim year's WBA in insured wages during or after the prior claim year. After due notice was issued, a hearing was held in Des Moines, Iowa, on October 6, 2017. Claimant participated along with non-attorney representative Tina Christensen, claimant's sister-in-law.

ISSUE:

Did the claimant earn insured wages of at least eight times the prior claim year's WBA during or after the previous benefit year to become eligible for a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's WBA in the prior claim year effective August 14, 2016, is \$400.00. The claimant did not earn at least eight times the prior claim year's WBA in insured wages during or subsequent to the prior claim year beginning August 14, 2016. The administrative record reflects that no insured quarterly wages were reported to IWD by the business entity named in the payment record submitted. Nor did claimant report any wages while filing weekly continued claims in the prior or current benefit year.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible to receive benefits during the subsequent benefit year.

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

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.

Although the administrative law judge (ALJ) recognizes claimant's earnest and active search for work, the claimant did not demonstrate an ongoing connection to the labor market by earning at least eight times the prior claim year's WBA in insured wages during or subsequent to the claim year beginning August 14, 2016. Therefore, she is not eligible to receive benefits during the current claim year beginning August 13, 2017.

DECISION:

The August 23, 2017 (reference 02) unemployment insurance decision is affirmed. The claimant is not monetarily eligible to receive benefits during the current claim year beginning August 13, 2017. If claimant does earn eight times the prior claim year's WBA in insured wages she may present evidence of that to IWD to determine eligibility.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn