

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY W WOLFE
Claimant

APPEAL NO. 10A-EUCU-00093-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/25/09
Claimant: Appellant (1)**

Section 96.4-4 – Earnings Requirement/Regular Benefits
Section 96.29 – Extended Benefits

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated January 26, 2010, reference 01 that denied him extended benefits, because the total wages on his regular claim were not at least one and one-half times the wages in his high quarter. A telephone hearing was held on March 26, 2010. The claimant participated.

ISSUE:

Whether claimant's base period earnings on his regular unemployment claim are at least one and one-half times the earnings in the highest quarter.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered the evidence in the record, finds that: The claimant filed a regular unemployment claim effective October 25, 2009, and he received his weekly benefit of \$314.00 until he exhausted those benefits the week ending January 12, 2010. He earned base period earnings from Wolfe Masonry, as follows, to wit: March 2009 - \$6,928.00; April 2008 - \$1,220.00; January 2009 - \$0.00; and, February 2009 - \$1,224.00, for a total of \$9,372.00.

After the claimant exhausted his regular unemployment benefit, he requested the department to consider his eligibility for an extended benefit claim (EUC). The claimant is denied extended benefits based on his regular unemployment base period earnings. One and one-half times the claimant's highest earnings is \$10,392.00 (\$6,928.00 x 1.5) that does not exceed his total earnings of \$8,242.00.

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.

Iowa Code section 96.29-1 provides:

Extended benefits.

Except when the result would be inconsistent with the other provisions of this chapter, as provided in rules of the department, the provisions of the law which apply to claims for or the payment of regular benefits shall apply to claims for, and the payment of, extended benefits.

1. Eligibility requirements for extended benefits. An individual is eligible to receive extended benefits with respect to a week of unemployment in the individual's eligibility period only if the department finds that all of the following conditions are met:

- a. The individual is an "exhaustee" as defined in this chapter.
- b. The individual has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.
- c. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-half times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest.

The administrative law judge concludes that the claimant is not eligible to receive extended benefits, because he does not meet the earnings requirement.

The extended benefit eligibility is based on the claimant's regular unemployment claim. One requirement is that the total base period earnings must be at least one and one-half times the earnings in the highest quarter. Claimant's base period show total earnings of \$9,372.00. The one and one-half times formula requires that the total earnings be at least \$10,392.00, and this

criteria is not met for extended benefit eligibility in this matter. There is no waiver of this eligibility requirement.

DECISION:

The decision of the representative dated January 26, 2010, reference 01, is affirmed. The claimant is not eligible to receive extended benefits.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css