

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSH A SCHMIDT**  
Claimant

**APPEAL NO. 10A-UI-02805-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 01/10/10  
Claimant: Appellant (2)**

Section 96.4-4 – Qualification in a New Benefit Year

**STATEMENT OF THE CASE:**

Josh Schmidt (claimant) appealed a representative's February 12, 2010 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he had not received wages of at least \$250.00 during or after his previous benefit year. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was held on March 13, 2010. The claimant participated personally.

**ISSUE:**

The issue is whether the claimant received wages of at least \$250.00 during or after his previous benefit year.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant filed a claim for unemployment insurance benefits effective January 11, 2009, after his employment with Schmidt Masonry ended in December 2008. The claimant exhausted the maximum benefit amount on the claim filed effective January 11, 2009. The claimant subsequently filed a claim for unemployment insurance benefits effective January 10, 2010. The claimant has re-qualified for benefits since the separation from the employer. He was employed by Schmidt Masonry and earned at least \$250.00 during or after his previous benefit year.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant has satisfied the conditions for eligibility in a new benefit year.

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.

The statute requires that a claimant work in and be paid wages for insured work since the beginning of the previous benefit year in order to be eligible for benefits in a subsequent benefit year. The intent of the statute is to prevent a claimant from drawing benefits in two benefit years based on the same employment and separation from employment and require some new work and wages before receiving benefits in a second benefit year.

In this case, the claimant has worked and been paid wages of at least \$250.00 since the beginning of his previous benefit year and is, therefore, eligible to receive unemployment insurance benefits.

**DECISION:**

The representative's February 12, 2010 decision (reference 01) is reversed. The claimant has been paid wages of at least \$250.00 for insured work since his prior claim. The claimant is eligible to receive unemployment insurance benefits effective January 10, 2010.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw