

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSEPH D GRIFFIN
Claimant

APPEAL NO. 12A-UI-06220-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/29/12
Claimant: Appellant (1)**

Section 96.4(4) – Minimum Earnings Required for Eligibility

STATEMENT OF THE CASE:

Joseph Griffin filed a timely appeal from the May 16, 2012, reference 01, decision that denied benefits in connection with a claim year that was effective April 29, 2012, based on an agency conclusion that Mr. Griffin had not met the \$250.00 minimum earnings requirement to be eligible for benefits in connection with a second claim year. After due notice was issued, a hearing was held on June 20, 2012. Mr. Griffin participated. The hearing in this matter was consolidated with the hearing in appeal number 12A-UI-06221-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the agency's administrative record of wages reported by or for the claimant and benefits disbursed to the claimant in connection with the claim years that started May 1, 2011 and April 29, 2012.

ISSUE:

Whether the claimant has worked in and earned at least \$250.00 from insured work during or subsequent to the benefit year in which he collected benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Joseph Griffin established a claim for unemployment insurance benefits that was effective May 1, 2011. The claim was established in connection with Mr. Griffin's May 2, 2011 separation from employment with Dakota Pack, Inc., employer account number 320559. Mr. Griffin has had no further employment since separating from Dakota Pack, Inc. Mr. Griffin received unemployment insurance benefits in connection with the May 1, 2011 claim. Mr. Griffin continued to receive benefits until the claim year expired on April 28, 2012.

At that point Mr. Griffin was required to establish a new original claim for benefits to see whether he could be eligible for regular benefits under a new claim year before he could be considered for emergency or extended benefits under the old claim. Mr. Griffin established a new "original" claim for benefits that was effective April 29, 2012. On May 14, 2012, Workforce Development disbursed \$830.00 in unemployment insurance benefits to Mr. Griffin for the two-week period ending May 12, 2012. These benefits were disbursed to Mr. Griffin as part of the new original claim for benefits that was effective April 29, 2012.

Workforce development then ceased disbursing regular, state benefits in connection with the new claim year and switched to disbursing benefits and instead switched back to disbursing emergency unemployment compensation (EUC) benefits under the earlier claim. On May 29, 2012, workforce development disbursed EUC benefits to Mr. Griffin for the period of April 29, 2012 through May 19, 2012. For each of those weeks, the agency paid out \$177.00 and offset another \$177.00 to recover the disbursement of \$830.00 in regular state benefits. The total amount of EUC benefits paid out during the period of April 29 through May 19 was \$531.00 and the additional EUC benefits offset or withheld for that period were \$531.00. On June 4, 2012, workforce development disbursed EUC benefits to Mr. Griffin for the two-week period of May 20, 2012 through June 2, 2012. For the week ending May 26, the agency paid out \$177.00 in EUC benefits to Mr. Griffin and offset or withheld another \$177.00 in EUC benefits. For the week ending June 2, the agency paid out \$232.00 in EUC benefits and offset or withheld \$122.00 in EUCU benefits. The total amount of EUC benefits offset or withheld was \$830.00, which was equal to the amount of regular benefits that had disbursed to Mr. Griffin.

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.

"Insured work" is employment, as defined in a state employment security law, performed for a subject employer, or federal employment as defined in the Social Security Act. 871 IAC 24.1(62).

The evidence in the record establishes that Mr. Griffin has not met the minimum earnings requirement and is not eligible for benefits in connection with the new claim year that started April 29, 2012. This did not prevent Mr. Griffin from being eligible for emergency unemployment compensation (EUC) benefits in connection with the earlier claim year that started on May 1, 2011.

DECISION:

The Agency representative's May 16, 2012, reference 01, decision is affirmed. The claimant has not met the minimum earnings requirement and is not eligible for benefits in connection with the new claim year that started April 29, 2012.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw