

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LACRISSHA A WHITESIDE
Claimant

APPEAL NO: 10A-UI-10383-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/30/10
Claimant: Appellant (1)

Section 96.4-4 - Second Benefit Year \$250 Requirement

STATEMENT OF THE CASE:

The claimant appealed a representative's July 14, 2010 decision (reference 01) that held her ineligible to receive regular unemployment insurance benefits as of May 30, 2010, or in a second benefit year because she had not earned \$250.00 in wages since May 31, 2009. A telephone hearing was held on September 11, 2010. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant satisfied the \$250.00 wage requirement to be eligible to receive regular benefits in a second benefit year?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 31, 2009. She has filed for and received benefits since May 31, 2009. When the claimant's benefit year ended on May 29, 2010, the Department concluded she was monetarily eligible to establish a subsequent benefit year. The claimant had not, however, earned any wages between May 31, 2009, and May 30, 2010.

REASONING AND CONCLUSIONS OF LAW:

If a claimant has drawn benefits in any benefit year, the claimant must, during or subsequent to that year, work in and be paid wages for insured work totaling at least \$250.00 as a condition to receive benefits in the next benefit year. Iowa Code section 96.4-4. The facts establish the claimant has not earned \$250.00 in wages from an insured employer between May 31, 2009, and May 30, 2010. The claimant has, however, received unemployment insurance benefits since May 31, 2009. The claimant has not satisfied the \$250.00 wage requirement to be eligible to receive regular benefits in a subsequent or second benefit year. This means the claimant is not eligible to receive regular unemployment insurance benefits as of May 30, 2010. The claimant is still eligible to receive Emergency Unemployment Compensation benefits.

DECISION:

The representative's July 14, 2010 decision (reference 01) is affirmed. The claimant has not satisfied the \$250.00 wage requirement to be eligible to receive regular unemployment insurance benefits in a second or subsequent benefit year. Therefore, the claimant is not eligible to receive regular unemployment insurance benefits as of May 30, 2010. She is eligible to receive the Emergency Unemployment Compensation benefits funds that are in her account.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs