

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

MICHAEL D YORK  
620 E 10<sup>TH</sup> ST  
WASHINGTON IA 52353

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-08869-DWT  
OC: 03/13/05 R: 03  
Claimant: Appellant (2/R)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-4 – Second Benefit Year Eligibility Requirement

STATEMENT OF THE CASE:

Michael D. York (claimant) appealed a representative's August 23, 2005 decision (reference 04) that concluded he was not eligible to receive unemployment insurance benefits as of July 31, 2005, because between March 14, 2004 and July 31, 2005, he had not earned a minimum of \$250.00 from insured employment. After a hearing notice was mailed to the parties' last-known address of record, a telephone hearing was held on September 14, 2005. 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 earned \$250.00 in wages after March 14, 2004?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of March 14, 2004. Between October 1 and December 31, 2004, the claimant earned gross wages of \$99.00 from Kirkwood College. From January 1 through May 31, 2005, the claimant earned gross wages of \$153.77 from Kirkwood College. The claimant received benefits during the benefit year, March 14, 2004 through March 12, 2005.

The claimant established a second benefit year during the week of March 13, 2005. The claimant reopened this claim on July 31, 2005.

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 condition to receive benefits in the next benefit year. Iowa Code §96.4-4. The facts establish that between October 1, 2004 and May 31, 2005 the claimant earned gross wages of \$252.77 from Kirkwood College. The claimant has satisfied Iowa Code §96.4-4. Therefore, as of July 31, 2005, the claimant is eligible to receive unemployment insurance benefits.

Since the claimant earned \$99.00 during the fourth quarter of 2004 and the record does not indicate he reported these wages when he filed weekly claims, the issue of whether the claimant has been overpaid any benefits for weeks he earned wages is remanded to the Claims Section to investigate.

DECISION:

The representative's August 23, 2005 decision (reference 04) is reversed. The claimant earned gross wages of more than \$250.00 between March 14, 2004 and July 31, 2005. As of July 31, 2005, the claimant is eligible to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The issue of whether the claimant has been overpaid any benefits during the fourth quarter of 2004 is Remanded to the Claims Section to investigate.

dlw/kjw