

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALLAN SONNACK

Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-17117-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/21/21

Claimant: Appellant (1)

Iowa Code § 96.6(2) – Timely Appeal

Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

Allan Sonnack, the claimant/appellant, filed an appeal from the May 21, 2021, (reference 02) unemployment insurance (UI) decision that concluded he was not eligible for unemployment insurance benefits because of a lack of at least eight times the prior claim year's weekly benefit amount (WBA) in insured wages during or after the prior claim year. A telephone hearing was held on September 24, 2021. Mr. Sonnack was properly notified of the hearing date and time. Mr. Sonnack participated and testified. Susan Sonnack, Mr. Sonnack's wife, participated and testified. The administrative law judge took official notice of the administrative record.

ISSUE:

Is Mr. Sonnack's appeal filed on time?

Was Mr. Sonnack paid insured wages of at least eight times the prior claim year's WBA during or after the previous benefit year to become eligible for a second benefit year?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: The Unemployment Insurance Decision was mailed to Mr. Sonnack at the correct address on May 21, 2021. The decision states that it becomes final unless an appeal is postmarked or received by Iowa Workforce Development (IWD) Appeals Section by May 31, 2021. If the date falls on a Saturday, Sunday, or legal holiday, the appeal period is extended to the next working day. May 31, 2021 was a legal holiday; therefore, the deadline was extended to June 1, 2021.

Mr. Sonnack received the decision in the mail. Mr. Sonnack had previously received a monetary record (green sheet) from IWD that acknowledged his base period wages and that set his weekly benefit amount at \$110.00. Mr. Sonnack called IWD to ask why he was denied benefits since he had received a green sheet. The representative told Mr. Sonnack that he would receive Pandemic Emergency Unemployment Compensation (PEUC) benefits. On, or about, July 27, 2021, Mr. Sonnack received PEUC benefits. Mr. Sonnack did not believe that the amount of PEUC benefits he received was correct. Mr. Sonnack filed an appeal online on August 4, 2021. The appeal was received by Iowa Workforce Development on August 4, 2021.

The administrative law judge further finds: Mr. Sonnack established an original claim for benefits that was effective March 22, 2020. Iowa Workforce Development set Mr. Sonnack's weekly

benefit amount at \$198.00. Mr. Beardsley stopped working at Acosta, Inc. on advice of his doctor due to his underlying health conditions and the COVID-19 pandemic. Mr. Sonnack received regular unemployment insurance (UI) benefits, and Federal Pandemics Unemployment Compensation (FPUC) benefits in connection with the claim. The claim year expired on March 21, 2021.

Mr. Sonnack established a new original claim and a new claim year that was effective March 21, 2021. Iowa Workforce Development sent Mr. Sonnack a monetary record that acknowledged his base period wages and that set his weekly benefit amount at \$110.00. Mr. Sonnack began working at Fareway Stores Inc. on June 1, 2021. He works as a part-time stocker. He works about ten hours per week, and he is paid \$11.00 per hour. Mr. Sonnack has been paid \$1,579.05 in insured wages since he was laid off in June 1, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that Mr. Sonnack is not eligible to receive REGULAR unemployment insurance benefits during the subsequent benefit year.

Iowa Code section 96.4(4)(a) and (c) provide:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. a. 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 paragraph 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.

c. 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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

[Emphasis added.]

Iowa Code Section 96.1A(14), (16) and (26) provides

14. "Employer" means:

a. For purposes of this chapter with respect to any calendar year after December 31, 2018, any employing unit which in any calendar quarter in either the current or preceding calendar year paid wages for service in employment.

...

16. "Employment".

a. Except as otherwise provided in this subsection, "employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied.

...

26. "Insured work" means employment for employers.

Qualifying wages are those subject to contribution under a state employment security law or wages subject to tax under the federal Unemployment Tax Act. See Iowa Admin. Code r. 871-24.1(131), (132).

Mr. Sonnack has not met the eight-times-weekly-benefit-amount minimum earnings requirement and, therefore, is not eligible for benefits in connection with the second benefit year that was effective March 21, 2021. Mr. Sonnack established a claim in an earlier benefit year and received benefits in connection with that claim. In order to meet the eight-times-weekly-benefit-amount minimum earnings requirement, Mr. Sonnack would need to have been employed and to have been paid eight times his \$198.00 weekly benefit amount subsequent to him no longer working at Acosta Inc. in March 2020. That amount would be \$1,584.00. Because Mr. Sonnack has not received at least \$1,584.00 in wages from insured work during the relevant period, he is not eligible for benefits in connection with the second benefit year that was effective March 21, 2021.

DECISION:

The May 21, 2021, (reference 02) unemployment insurance decision is affirmed. Mr. Sonnack did not meet the eight-times-weekly-benefit-amount minimum earnings requirement to be monetarily eligible for benefits in connection with a second benefit year. Mr. Sonnack is not eligible for benefits in connection with the benefit year that started on March 21, 2021.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

September 30, 2021
Decision Dated and Mailed

dz/scn

NOTE TO MR. SONNACK:

- Your current benefit year ends on March 20, 2022.
- **If you are paid insured wages of at least \$1,584.00 between now and the end of your current benefit year**, let Iowa Workforce Development (IWD) know since **you may become eligible for REGULAR UI benefits**.
- You can let IWD know by emailing uicclaimshelp@iwd.iowa.gov or calling 866-239-0843. If you send an email, include the following information in your email:
 - Your name,
 - Your address,
 - The last four numbers of your Social Security number, and
 - Evidence (a picture or an attachment) of your wages.