

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRENDA M WILLIAMSON
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 20A-UI-03180-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/15/20
Claimant: Appellant (1)**

Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year
Iowa Code § 96.6(2) – Filing – Timely appeal

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 31, 2020 (reference 01) unemployment insurance decision that denied benefits. Claimant was properly notified of the hearing. A telephone hearing was held on May 8, 2020, at 10:00 a.m. Claimant participated. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant filed a timely appeal.

Whether claimant has worked and earned sufficient wages to be eligible for benefits in 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 claimant at her correct address on March 31, 2020. Claimant received the decision on April 3, 2020. Claimant submitted her appeal online the same day. Claimant's online appeal was not received by Iowa Workforce Development. Claimant also submitted her appeal via mail on April 13, 2020, as evidenced by the postmark. Claimant's mailed appeal was received by Iowa Workforce Development on April 15, 2020. The decision states that it becomes final unless an appeal is postmarked or received by Iowa Workforce Development Appeals Section by April 10, 2020.

Claimant's weekly benefit amount (WBA) was \$485.00 in the prior claim year effective March 17, 2019. Claimant worked as a substitute teacher for Odebolt Arthur Battle Creek Ida Grove Community (OABIGC) School District and earned \$460.00 in the fourth quarter of 2019 and \$1,265.00 in the first quarter of 2020. Claimant has earned no other wages since March 17, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's appeal was timely.

Iowa Code § 96.6(2) provides, in pertinent part: "[u]nless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision."

Iowa Admin. Code r. 871-24.35(1)(a), (c) provide:

1. Except as otherwise provided by statute or by division rule, any payment, appeal, application, request, notice, objection, petition, report or other information or document submitted to the division shall be considered received by and filed with the division:

(a) If transmitted via the United States Postal Service on the date it is mailed as shown by the postmark, or in the absence of a postmark the postage meter mark on the envelope in which it is received; or if not postmarked or postage meter marked or if the mark is illegible, on the date entered on the document as the date of completion.

...

(c) If transmitted by any means other than [United States Postal Service or the State Identification Data Exchange System (SIDES)], on the date it is received by the division.

Iowa Admin. Code r. 871-24.35(2) provides:

2. The submission of any payment, appeal, application, request, notice, objection, petition, report or other information or document not within the specified statutory or regulatory period shall be considered timely if it is established to the satisfaction of the division that the delay in submission was due to division error or misinformation or to delay or other action of the United States postal service.

Claimant filed her appeal online prior to the due date. Division error resulted in the online appeal not being received by Iowa Workforce Development. Claimant's appeal is timely.

The next issue to be determined is whether claimant has worked and earned sufficient wages to be eligible for benefits in a second benefit year. For the reasons that follow, the administrative law judge concludes that claimant has not worked and earned sufficient wages to be eligible for benefits in a second benefit year. Benefits are denied.

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:

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.

Because the claimant did not demonstrate an ongoing connection to the labor market by earning at least eight times the prior claim year's weekly benefit amount in insured wages during or subsequent to the claim year beginning March 17, 2019, she is not eligible to receive benefits during the current claim year beginning March 15, 2020.

DECISION:

Claimant's appeal is timely. The March 31, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant has not worked and earned sufficient wages to be eligible for benefits in a second benefit year. Benefits are denied until claimant has worked in and been paid wages for insured work equal to eight times her prior claim year's weekly benefit amount, provided she is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
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May 11, 2020
Decision Dated and Mailed

acw/scn