

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

ROBERT W FREEMAN

Claimant,

and

**IOWA WORKFORCE DEVELOPMENT :
DEPARTMENT**

Employer.

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HEARING NUMBER: 10B-UI-04740

**EMPLOYMENT APPEAL BOARD
DECISION**

N O T I C E

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.4-4

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

The claimant, Robert W. Freeman, established an unemployment insurance benefit year effective February 15, 2009 after a layoff from work on February 19, 2010. He filed weekly claims and received unemployment insurance benefits from the week ending February 21, 2009 through February 13, 2010. Once the claimant's 2009 claim year expired as of February 13, 2010; he filed to establish a second claim year effective February 14, 2010.

The claimant got a job around March 15, 2010 and quit filing for benefits the previous week. (Tr. 14)

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(4)"c" provides:

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.

The evidence shows that the claimant has earned wages in other employment since his establishment of his claim for unemployment insurance benefits in 2009; the claimant is currently eligible for benefits in a second regular benefit year.

DECISION:

The administrative law judge's decision dated May 17, 2010 is **REVERSED**. The Employment Appeal Board concludes that the claimant is allowed benefits during the regular claim year beginning February 14, 2010, provided he is otherwise eligible.

John A. Peno

Monique F. Kuester

Elizabeth L. Seiser

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