

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LARRY N HICKS**  
Claimant

**APPEAL NO. 09A-UI-17175-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/27/09**  
**Claimant: Appellant (1)**

Section 96.4-4 - Second Benefit Year Earnings Requirement

**STATEMENT OF THE CASE:**

Larry N. Hicks filed a timely appeal from an unemployment insurance decision dated November 2, 2009, reference 01, that denied unemployment insurance benefits to him effective September 27, 2009, upon a finding that he had not worked in and been paid insured wages of at least \$250.00 either during or after the previous benefit year during which he had received unemployment insurance benefits. After due notice was issued, a telephone hearing was held December 29, 2009, with Mr. Hicks participating. The administrative law judge takes official notice of Agency wage records.

**ISSUE:**

Has the claimant met the \$250.00 earnings requirement for a second benefit year?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge makes the following findings of fact:

The claimant has not been employed since he filed his unemployment insurance claim on September 28, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Hicks meets the eligibility requirement of having earned and been paid wages of at least \$250.00 since the beginning of his benefit year in 2008.

The Employment Security Law requires that claimants show some attachment to the workforce. In the case of an individual who has received unemployment insurance benefits in a prior benefit year, the law requires that in addition to the earnings necessary to be monetarily eligible that at least \$250.00 of the earnings be earned and paid either during or after the benefit year in which the individual had received benefits. The evidence here establishes that Mr. Welch does not meet that test as required in Iowa Code section 96.4-4. Therefore, he is not eligible for unemployment insurance benefits at this time.

**DECISION:**

The unemployment insurance decision dated November 2, 2009 reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits as of September 27, 2009.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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