

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL J COOPER
Claimant

APPEAL NO: 09A-UI-05255-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/09
Claimant: Appellant (1)

Section 96.4.4 - \$250 Requirement to Establish a Subsequent Benefit Year

STATEMENT OF THE CASE:

Carol J. Cooper (claimant) appealed a representative's March 25, 2009 decision (reference 01) that concluded she was not eligible to establish a new benefit year as of March 15, 2009 because she had not been paid \$250.00 in wages between March 16, 2008 and March 15, 2009. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 27, 2009. 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 been paid \$250.00 in wages since March 16, 2008, so she can establish a subsequent benefit year for regular unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of March 16, 2008. She filed for and received regular unemployment insurance benefits through the week ending September 13, 2008. As of September 14, the Department determined the claimant was eligible to receive Emergency Unemployment Compensation Benefits (EUCU). The claimant received EUCU benefits through the week ending January 31, 2009.

The claimant filed a claim for regular unemployment insurance benefits as of March 15, 2009. She had not worked or been paid any wages from insured employment from March 16, 2008 through March 15, 2009. As of March 22, 2009, the Department concluded the claimant was again eligible to receive EUCU benefits.

REASONING AND CONCLUSIONS OF LAW:

If a claimant draws benefits in any benefit year, she must during or subsequent to that year, work in and be paid wages for insured work totaling at least \$250.00 as a condition to receive benefits in the next benefit year. Iowa Code section 96.4-4. The facts establish the claimant

did not work and receive wages of \$250.00 or more between March 16, 2008, and March 15, 2009. The Department recognized the claimant had not earned \$250.00 in wages after she established her first benefit year and was not eligible to establish a subsequent benefit year. The claimant must satisfy the \$250.00 requirement before she can establish a new claim during a second benefit year of regular unemployment insurance benefits.

DECISION:

The representative's March 25, 2009 decision (reference 01) is affirmed. The claimant is not eligible to receive regular unemployment insurance benefits as of March 15, 2009 because she was not paid \$250.00 in wages between March 16, 2008 and March 15, 2009. Since the claimant is not eligible to establish a new benefit year, she is eligible to receive EUCU benefits as of March 22, 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs