

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK S FRAUNE
Claimant

APPEAL NO. 07A-UI-00283-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/17/06 R: 03
Claimant: Appellant (1)**

Iowa Code Section 96.4(4) - Minimum Earnings Requirement for Eligibility

STATEMENT OF THE CASE:

Mark Fraune filed a timely appeal from the January 2, 2007 reference 01, decision that denied benefits. After due notice was issued, a hearing was held on January 24, 2007. Mr. Fraune participated. The administrative law judge took official notice of the Agency's administrative file. The administrative law judge left the record open so that the claimant could submit documentation of income. On January 25, 2007, the Claimant submitted two pay stubs that were received into evidence as Exhibit A.

ISSUE:

Whether the claimant has earned at least \$250.00 for insured work during the current benefit year or during the previous benefit year in which he received benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: the claimant received \$1,104.00 and benefits during the benefit year that began on December 11, 2005 and ended on December 10, 2006. The agency's records indicate that the claimant's last employment was at Johnson Bakery Inc. during the fourth quarter of 2005. On January 2, 2007, the claimant provided the agency with a check stub indicating total earnings of \$496.70, but the check stub bore no indication that it belonged to Mr. Fraune or was for work that Mr. Fraune performed. On January 25, 2007, the claimant provided to additional pay stubs, and one of those pay stubs has clearly been altered. The other does not indicate wages exceeding \$250.00.

REASONING AND CONCLUSIONS OF LAW:

If an 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. Iowa Code section 96.4(4).

The weight of the evidence in the record fails to establish that Mr. Fraune has earned wages equal to or greater than \$250.00 since he received benefits during the previous benefit year.

Mr. Fraune demonstrated erratic behavior during the appeals hearing that called into question the reliability of any testimony he might provide concerning his earnings or his ability to work. Mr. Fraune submitted at least one pay stub that clearly shows signs of being altered. This calls into question the reliability of documentary evidence submitted by Mr. Fraune and suggests the need to closely scrutinize any such documentary evidence.

The administrative law judge concludes that Mr. Fraune has not at present met the minimum earnings requirement to be eligible for benefits. If Mr. Fraune in good faith believes he has met the earnings requirement, he should submit original check stubs along with additional documentation from an employer indicating such earnings to his local Workforce Development office.

DECISION:

The Agency representative's January 2, 2007, reference 01, decision is affirmed. The claimant has not earned at least \$250.00 for insured work during the current benefit year or during the previous benefit year in which he received benefits. The claimant does not meet the minimum earnings requirements to be eligible for unemployment insurance benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw