

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
DIVISION OF ADMINISTRATIVE HEARINGS  
Lucas State Office Building  
Des Moines, Iowa 50319

**Appeal Number:** 06-IWDUI-161  
**OC:** 06/05/05  
**Claimant:** Appellant (2)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**BYRON R OINES**  
**1083 BENTON AVENUE**  
**SIOUX CITY IA 51108**

**IOWA WORKFORCE DEVELOPMENT**  
**INVESTIGATION AND RECOVERY**  
**1000 EAST GRAND AVENUE**  
**DES MOINES IA 50319-0209**

DAN ANDERSON, IWD

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the Department . If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

August 25, 2006

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(Decision Dated & Mailed)

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Section 96.4-4 – Required findings/Requalification

STATEMENT OF THE CASE:

The claimant filed an appeal from an Iowa Workforce Development decision dated June 24, 2006, reference 03, which held that the claimant was not eligible to receive unemployment insurance benefits effective June 5, 2005, because he failed to requalify by earning wages for insured work of at least \$250 after the previous year in which he received benefits.

After due notice was issued, a hearing was held by telephone conference call on August 21, 2006.

The claimant, and his witness, Ryan Eldridge, participated. Iowa Workforce Development, Investigation and Recovery, participated by Supervisor/Investigator, David Eklund.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses, and having examined all of the evidence in the record, the finds: The claimant filed a claim for unemployment benefits with an effective date of June 6, 2004. The claimant filed a second-year benefit claim effective June 5, 2005. The claimant submitted a BP Consulting payroll ledger sheet dated June 28, 2005, as evidence that he had earned wages of insured work of at least \$250 from his previous year claim in order to requalify for unemployment benefits. A department representative accepted the evidence as proof of requalification for unemployment benefits for a second benefit year.

A department representative issued a decision dated June 30, 2005 that held the claimant was eligible for unemployment benefits effective June 19, 2005, as department records indicated he had been paid insured wages of a least \$250 since his previous benefit year un which he received unemployment benefits. The decision contains a warning that it becomes final unless an appeal is postmarked by July 10, 2005. There was no appeal filed by either party.

The claimant failed to follow through by filing paperwork with the department to establish a tax account. A department representative had some reservation about the requalification issue, and eventually, this matter was assigned to Investigator Finley for review. When the claimant reported for an interview with Finley on June 15, 2006, he was unable to provide proof of any employer tax account for the wages he had submitted to the department, and he was not otherwise able to establish proof of insured work of at least \$250. The department issued a decision dated June 24, 2006 that amended the June 30, 2005 decision, and disqualified the claimant from receiving benefits effective June 5, 2005, as he failed to establish that he had earned at least \$250 in wages for insured work.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant satisfied the requalification requirement for the second benefit year, June 5, 2005, by earning wages of at least \$250 for insured work.

**Iowa Code Section 96.4-4 Required findings provides:**

An individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. 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 administrative law judge concludes that the claimant is eligible to receive unemployment benefits effective June 5, 2005, as the department issued a "final decision" dated June 30, 2005 that held he satisfied the \$250 earnings requalification requirement pursuant to Iowa Code section 96.4-4. A final decision is not subject to amendment or modification. In effect, the amended decision is an attempt to revive the requalification issue that is not permissible according to Iowa Code section 96.6-2. The department has a policy that allows requalification evidence that is not subject to review once the ten-day appeal period has lapsed from the issuance date of any decision.

**DECISION:**

The decision of the representative dated June 24, 2006, reference 03, is REVERSED. The claimant is entitled to receive unemployment benefits effective June 5, 2006, provide he is otherwise eligible.  
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