

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERRY E BAIR
Claimant

APPEAL 19A-UI-08774-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 10/20/19
Claimant: Appellant (2)**

Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

On November 4, 2019, Terry E. Bair (claimant) filed a timely appeal from the October 31, 2019, reference 03, unemployment insurance decision that denied benefits because of a lack of at least eight times the prior claim year's weekly benefit amount (WBA) in insured wages during or after the prior claim year. After due notice was issued, a hearing was scheduled to be held on December 3, 2019. The claimant responded to the hearing notice instructions but no hearing was held on this issue as there was sufficient evidence in the administrative record to resolve the matter without testimony.

ISSUE:

Did the claimant earn insured wages of at least eight times the prior claim year's weekly benefit amount during or after the previous benefit year to become eligible for a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's weekly benefit amount (WBA) in the prior claim year effective October 21, 2018 was \$467.00. The administrative record shows the claimant earned more than eight times the prior claim year's WBA in insured wages during the prior claim year and prior to filing his recent claim for unemployment insurance benefits effective October 20, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has earned sufficient insured wages to be eligible for benefits during the subsequent benefit year, provided he meets all other eligibility requirements.

Iowa Code section 96.4(4)a and c provide:

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

4. a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

...

c. 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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

The claimant has demonstrated an ongoing connection to the labor market by earning at least eight times the prior claim year's WBA in insured wages during the claim year beginning October 21, 2018. He has earned sufficient insured wages to be eligible for benefits during the subsequent benefit year effective October 20, 2019, provided he meets all other eligibility requirements.

DECISION:

The October 31, 2019, reference 03, unemployment insurance decision is reversed. The claimant has earned sufficient insured wages to be eligible to receive benefits during the current claim year beginning October 20, 2019, provided he meets all other eligibility requirements

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn