

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CONNIE L KLEINSCHMIDT
Claimant

APPEAL NO: 14A-UI-00492-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 09/01/13
Claimant: Appellant (4)**

Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year
Iowa Admin. Code r. 871-24.2(1)a & h(1) & (2) – Backdating

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 9, 2014, (reference 03), decision that denied the request to backdate the claim rather than address the claimant's request to begin benefits based upon providing proof of insured earnings of \$250.00 or more since the September 2, 2012, claim year to establish a second benefit year. After due notice was issued, a telephone conference hearing was held on February 5, 2014. Claimant participated.

ISSUE:

Did the claimant earn insured wages of \$250.00 or more during or after the previous benefit year to make her eligible for a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Effective November 17, 2013, the claimant did earn at least \$250.00 in insured wages during or subsequent to the prior claim year beginning September 1, 2013. She does have sufficient wages in the base period from another employer to be eligible to draw benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive benefits during the subsequent benefit year effective November 17, 2013. She does have sufficient wages in the base period from other employers.

Iowa Code § 96.4-4 provides:

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

4. 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 subsection 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.

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.

Because the claimant did demonstrate an ongoing connection to the labor market by earning at least \$250.00 in insured wages effective November 17, 2013, she is eligible to receive benefits as of that date during the current claim year beginning September 1, 2013. She is not eligible for benefits from September 1, through November 16, 2013, because she exhausted EUC benefits in the September 2, 2012 claim year from March 2, 2013, and May 25, 2013. She was also paid the full entitlement to business closing benefits during the September 2, 2012 claim year from June 1, 2013, through August 17, 2013.

DECISION:

The January 9, 2014, (reference 03) decision is modified in favor of the appellant. The claimant is eligible to receive benefits during the current claim year (September 1, 2013) effective November 17, 2013.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css