

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CYNTHIA K KUHN
Claimant

APPEAL 20A-UI-13160-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/02/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On October 23, 2020, Cynthia K. Kuhn (claimant) filed a timely appeal from the October 14, 2020, 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 held on December 16, 2020. The claimant participated. No exhibits were offered into the record. The administrative law judge took official notice of the administrative record, specifically the claimant's claim and wage histories.

ISSUE:

Did the claimant earn insured wages of at least eight times the prior claim year's WBA 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 filed a claim for unemployment insurance benefits effective August 4, 2019, following a permanent separation from Eastern Iowa Grain Inspection in July. The WBA for the claim is \$481.00. The claimant worked through July 10 and then received severance pay reported in the third quarter of 2019.

The claimant filed a subsequent claim for benefits effective August 02, 2020. The claimant has worked and earned \$1,748.00 in insured wages with employer Mister Pizza, Inc. since filing a claim for benefits effective August 4, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible to receive benefits during the subsequent benefit year.

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. [Emphasis added.]

To demonstrate an ongoing connection to the labor market, the claimant needs to work in and earn insured wages of eight times the WBA of the prior claim, or \$3,848.00, in insured wages after August 4, 2019 to be eligible for benefits in the claim filed effective August 2, 2020. While the claimant may have received severance pay in the third quarter of 2019, she did not perform work after August 4 for her previous employer. The claimant has only earned \$1,748.00 in insured wages and has not demonstrated an ongoing connection to the labor market. Accordingly, she is not eligible for benefits in the claim year effective August 2, 2020.

DECISION:

The October 14, 2020, reference 03, unemployment insurance decision is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning August 2, 2020.

If the claimant does earn eight times the prior claim year's WBA in insured wages, she may present evidence of that to IWD to determine eligibility.



Stephanie R. Callahan
Administrative Law Judge

December 29, 2020
Decision Dated and Mailed

src/mh