

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAM V GROTHE
Claimant

APPEAL NO. 12A-UI-03732-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/18/12
Claimant: Appellant (4)

Section 96.4-4 – Second Benefit Year Earnings Requirement

STATEMENT OF THE CASE:

Sam V. Grothe filed a timely appeal from an unemployment insurance decision dated March 28, 2012, reference 01, that ruled he was ineligible to receive state unemployment insurance benefits effective March 18, 2012 upon a finding that he had not yet earned and been paid insured wages of at least \$250.00 since March 20, 2011. After due notice was issued, a telephone hearing was held April 30, 2012 with Mr. Grothe participating.

ISSUE:

Has the claimant met the second benefit year earnings requirement?

FINDINGS OF FACT:

Sam V. Grothe has received unemployment insurance benefits during a benefit year that began March 20, 2011. He began a new job in Colorado on April 17, 2012. He has earned gross wages of over \$250.00 since the job began. On Friday, May 4, 2012, he will receive a second paycheck that includes the earnings that put him over the \$250.00 threshold.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-4 imposes an additional eligibility requirement on claimants who have received unemployment insurance benefits in a prior benefit year. In order to establish continued attachment to the work force, the individual must show that he or she has earned and been paid insured wages in the gross amount of at least \$250.00 since the beginning of the prior benefit year.

The evidence in this record establishes that Mr. Grothe has met the first half of that test. His gross earnings already exceed \$250.00. He will not be paid the remainder of those wages until May 4, 2012. Therefore, he will become eligible for state unemployment insurance benefits again on May 6, 2012.

DECISION:

The unemployment insurance decision dated March 28, 2012, reference 01, is modified. The claimant becomes eligible for state unemployment insurance benefits effective May 6, 2012.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs