

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALFREDO ATILANO
Claimant

APPEAL NO. 12A-UI-01085-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/08/12
Claimant: Appellant (1)**

Section 96.4-4 - Qualification in a New Benefit Year

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 19, 2012, reference 01, that concluded the claimant was ineligible for benefits because he had not earned wages of at least \$250.00 during or after his previous benefit year. A telephone hearing was held on February 23, 2012. The claimant participated in the hearing.

ISSUE:

Is the claimant qualified for benefits for a second benefit year?

FINDINGS OF FACT:

The claimant filed a second new claim for unemployment insurance benefits with an effective date of January 8, 2012. The claimant had not worked and been paid wages in insured employment of at least \$250.00 during or after his previous benefit year.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant has satisfied the conditions for eligibility in a new benefit year.

Iowa Code § 96.4-4 provides in part:

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

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 statute requires that a claimant work and be paid wages for insured work since the beginning of the previous benefit year in order to be eligible for benefits in a subsequent benefit year. The intent of the statute is to prevent a claimant from drawing benefits in two benefit

years based on the same employment and separation from employment and require some new work and wages before receiving benefits in a second benefit year. In this case, the claimant has not worked and been paid wages of at least \$250.00 since the beginning of his previous year and is, therefore, ineligible for regular unemployment benefits. The claimant may still be eligible for additional emergency unemployment compensation but he will need to inquire about this himself.

DECISION:

The unemployment insurance decision dated January 19, 2012, reference 01, is affirmed. The claimant is ineligible for regular unemployment insurance benefits effective January 8, 2012.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css