

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID M JOHANSON
Claimant

APPEAL NO. 10A-UI-02276-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/17/10
Claimant: Appellant (1)**

Section 96.3-4 – Sufficient Earnings in Covered Wages in Base Period

STATEMENT OF THE CASE:

David Johanson filed a timely appeal from a representative's monetary determination dated January 17, 2010 finding the claimant had insufficient covered wages in the base period to establish a claim for benefits. After due notice, a conference hearing was held on Saturday, March 6, 2010. The claimant participated personally. Claimant's Exhibit One was received into evidence.

ISSUE:

The issue is whether David Johanson has sufficient earnings in the base period to establish a claim for unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did not have sufficient wages in the base period to be eligible to draw benefits.

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 current benefit year.

Iowa Code section 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 not have sufficient wages in the base period he is not eligible to establish a claim for unemployment insurance benefits. Claimant did not have covered wages between October 1, 2008 and September 30, 2009. The claimant's wages paid from Clark Architects were paid to the claimant in the fourth quarter of 2008 on October 1, 2008 and thus did not have sufficient wages in required quarters to establish his claim for benefits.

DECISION:

The January 17, 2010 monetary determination is affirmed. The claimant is not eligible to receive benefits as he had insufficient wages in the base period.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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