

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT STEDER
Claimant

APPEAL NO: 13A-UI-00830-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/06/13
Claimant: Appellant (1)**

Iowa Code § 96.4-4 - Subsequent Benefit Year Requalification

STATEMENT OF THE CASE:

Robert Steder (claimant) appealed an unemployment insurance decision dated January 16, 2013, reference 01, which held that he was not eligible for unemployment insurance benefits because he failed to earn at least \$250.00 either during or after the previous benefit year. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on February 21, 2013. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant earned at least \$250.00 either during or after the previous benefit year, which will determine whether he qualifies for unemployment insurance benefits for a second benefit year?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant did not earn at least \$250.00 in insured wages during or subsequent to the claim year beginning January 8, 2012. He did receive \$35,670.00 in separation funds from his previous employer.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant has earned at least \$250.00 in covered wages since filing an original claim for benefits on January 8, 2012. 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 provides:

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

<http://www.iowaworkforce.org/ui/appeals/index.html>

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.

Vacation pay, severance pay and bonuses are not considered as wages for second benefit year requalification purposes. See 871 IAC 24.31(2). Although the claimant did receive separation pay, this is not considered wages for purposes of requalification under the above mentioned administrative code section.

As of the date of the hearing, the claimant had not earned the necessary covered wages to qualify for a second benefit year beginning January 6, 2013. Consequently, he is not eligible for regular benefits in the new benefit year until or unless he earns the necessary covered wages.

DECISION:

The unemployment insurance decision dated January 16, 2013, reference 01, is affirmed. The claimant is not currently eligible to receive benefits during the claim year beginning January 6, 2013. He does qualify for emergency unemployment benefits for the claim year beginning January 8, 2012, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/tll