

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA R GILBERT

Claimant

APPEAL NO. 10A-UI-06579-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/18/10

Claimant: Appellant (2)

Section 96.4-4 – Qualification in a New Benefit Year

STATEMENT OF THE CASE:

Linda Gilbert (claimant) appealed a representative's April 29, 2010 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had not received wages of at least \$250.00 during or after her previous benefit year. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was held on June 23, 2010. The claimant participated personally.

ISSUE:

The issue is whether the claimant received wages of at least \$250.00 during or after her previous 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 filed a claim for unemployment insurance benefits effective April 19, 2009 after her employment with Nyemaster ended. The claimant exhausted the maximum benefit amount on the claim filed effective April 19, 2009. The claimant subsequently filed a claim for unemployment insurance benefits effective April 18, 2010. The claimant has requalified for benefits since the separation from the employer. She was employed by Norwood Inn and earned at least \$250.00 during or after her previous benefit year.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant has satisfied the conditions for eligibility in a new 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.

The statute requires that a claimant work in 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 worked and been paid wages of at least \$250.00 since the beginning of her previous benefit year and is, therefore, eligible to receive unemployment insurance benefits.

DECISION:

The representative's April 29, 2010 decision (reference 01) is reversed. The claimant has been paid wages of at least \$250.00 for insured work since her prior claim. The claimant is eligible to receive unemployment insurance benefits effective the week ending June 12, 2010.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs