

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRISHA A MILLER**  
Claimant

**APPEAL NO. 13A-UI-10026-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 08/04/13**  
**Claimant: Appellant (1)**

Section 96.4-4 – Earnings Qualification \$250 Requirement

**STATEMENT OF THE CASE:**

The claimant appealed from a representative's decision dated August 19, 2013, reference 01, that held she was not eligible for benefits August 4, 2103, because she failed to earn at least \$250 of wages after or during her previous benefit year. A hearing was held on September 14, 2013. The claimant participated.

**ISSUE:**

The issue is whether the claimant is eligible for second year unemployment benefits.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and considered the evidence in the record finds that: Claimant filed a regular unemployment (UI) claim effective August 5, 2012 and she claimed for and received her maximum benefits. She filed an extended benefit claim effective February 10, 2013 and received her maximum benefit thru the week ending August 3, 2013. Claimant filed a second or subsequent benefit year claim effective August 4, 2013. The department record does not show she earned wages for insured work of at least \$250 during or after her prior benefit year. Claimant admitted she has been unable to secure employment since she lost her job at QWEST.

**REASONING AND CONCLUSIONS OF LAW:**

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 administrative law judge concludes claimant is not eligible to receive UI benefits for a second benefit year August 4, 2013 because she has failed to earn wages of at least \$250 during or after his previous benefit year.

The requirement has been imposed by law and is not subject to waiver for an unemployed individual who has been unable to secure employment. Claimant can become eligible should she satisfy the \$250 wage requirement.

**DECISION:**

The decision of the representative dated August 19, 2013, reference 01, is affirmed. The claimant is not eligible to receive benefits on her second benefit claim August 4, 2013.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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