

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANETTE MCNELEY
Claimant

APPEAL 21A-UI-13303-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 05/16/21
Claimant: Appellant (1-R)**

Iowa Code § 96.4(4)a-c – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

On May 30, 2021, Danette McNeley (claimant) filed an appeal from the May 26, 2021, reference 01, unemployment insurance decision that denied benefits because of a lack of at least eight times the prior claim year's weekly benefit amount (WBA) in insured wages during or after the prior claim year. After due notice was issued, a hearing was held on July 24, 2021. The claimant participated. No exhibits were offered into the record.

ISSUE:

Did the claimant earn insured wages of at least eight times the prior claim year's WBA during or after the previous benefit year to become eligible for a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for unemployment insurance benefits effective May 17, 2020, following a permanent separation from Technical Maintenance, Inc. in the second quarter of 2020. The weekly benefit amount for the claim is \$481.00. The claimant filed a subsequent claim for benefits effective May 16, 2021. The claimant has not earned any wages since filing a claim for benefits effective May 17, 2020.

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 subsequent benefit year.

Iowa Code section 96.4(4)a and c provide:

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

4. a. 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 paragraph 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.

...

c. 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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

To demonstrate an ongoing connection to the labor market, the claimant needs to earn eight times the WBA, or \$3,848.00, in insured wages after May 17, 2020, to be eligible for benefits in the claim she filed effective May 16, 2021. The claimant has not earned any insured wages since the prior claim year, and she has not demonstrated an ongoing connection to the labor market. Therefore, she is not eligible for benefits in the claim year effective May 16, 2021.

Whether the claimant is eligible for Pandemic Emergency Unemployment Compensation (PEUC) from May 16 through June 12, 2021, on the claim year effective May 17, 2020, is remanded to the Benefits Bureau for review and processing.

DECISION:

The May 26, 2021, reference 01, unemployment insurance decision is affirmed. The claimant is not eligible to receive regular unemployment insurance benefits during the current claim year beginning May 16, 2021.

If the claimant does earn eight times the prior claim year's WBA in insured wages, she may present evidence of that to IWD to determine eligibility.

REMAND:

Whether the claimant is eligible for PEUC from May 16 through June 12, 2021, on the claim year effective May 17, 2020, is remanded to the Benefits Bureau for review and processing.



Stephanie R. Callahan
Administrative Law Judge

July 30, 2021
Decision Dated and Mailed

src/scn