

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GLORIA C RIESBERG
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-14095-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/14/21
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

On June 16, 2021, Gloria Riesberg (claimant/appellant) filed a timely appeal from the unemployment insurance decision dated June 10, 2021 (reference 01) that disqualified claimant from receiving benefits in a second claim year because claimant had not earned insured wages in an amount at least eight times the weekly benefit amount during or after the prior claim year.

After due notice was issued, a hearing was set for August 3, 2021. Claimant was not available at the number provided for the hearing and so did not participate. Official notice was taken of the administrative record. There was sufficient information in the administrative record to issue a decision without claimant's participation.

ISSUE:

Did claimant earn insured wages in an amount at least eight times the weekly benefit amount during or after the prior claim year, such that claimant is eligible for benefits in a second claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant's weekly benefit amount (WBA) in the prior claim year effective March 15, 2020 is \$136.00. Claimant wishes to claim benefits during a second claim year effective March 14, 2021. Claimant did not earn at least eight times the prior claim year's WBA in insured wages during or subsequent to the prior claim year beginning March 15, 2020. The administrative record reflects that no insured quarterly wages were reported to IWD since the first quarter of 2020. Claimant did not report wages while filing weekly continued claims in the prior or current benefit year.

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 sections 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.

The administrative law judge finds claimant did not earn at least eight times the prior claim year's WBA in insured wages during or subsequent to the prior claim year beginning March 15, 2020. Claimant is therefore disqualified from receiving benefits during a second claim year.

DECISION:

The decision dated June 10, 2021 (reference 01) that disqualified claimant from receiving benefits in a second claim year because claimant had not earned insured wages in an amount at least eight times the weekly benefit amount during or after the prior claim year is **AFFIRMED**.

If 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.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

August 6, 2021
Decision Dated and Mailed

abd/mh

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.