

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BENJAMIN L BLAKESLEE
Claimant

APPEAL 20A-UI-00254-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/08/19
Claimant: Appellant (1)**

Iowa Code § 96.4(4) – Eligibility in Second Benefit Year

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 26, 2019 (reference 01) unemployment insurance decision that found claimant was not eligible for benefits in a second benefit year because he had not been paid insured wages during or after the previous claim year of at least eight (8) times the weekly benefit amount of the previous claim year. The claimant was properly notified of the hearing. A telephone hearing was held on January 29, 2020. The claimant participated personally. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Has the claimant been paid insured wages sufficient to be eligible for benefits in a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an initial claim for benefits effective December 2, 2018. This benefit year expired on December 1, 2019. His weekly benefit amount was \$216.00. Claimant was paid his maximum benefit amount during this claim year.

Claimant filed an initial claim in a subsequent benefit year effective December 8, 2019. Claimant last worked for Mathis Field Services in January of 2019. His wage history shows that he earned \$143.00 in the first quarter of 2019 as wages from Mathis Field Services.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant has not been paid sufficient wages to be eligible for unemployment insurance benefits in a second benefit year. Benefits are denied effective December 8, 2019.

Iowa Code § 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. 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.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

(2) Employers shall be charged in the manner provided in this chapter for benefits paid based upon quarters used in the alternative base period.

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 claimant failed to establish that he worked in and was paid wages for insured work totaling at least eight times his weekly benefit amount of his previous claim year, as a condition to receiving benefits in a subsequent benefit year. As such, benefits are denied.

DECISION:

The December 26, 2019 (reference 01) decision is affirmed. Claimant has not established that he has worked in and been paid wages for insured work totaling at least eight times his weekly benefit amount of his previous claim year to be eligible for benefits in a subsequent benefit year. Benefits are denied effective December 26, 2019.

If claimant does earn eight times the prior claim year's weekly benefit amount in insured wages he may present evidence of that to his local Iowa Workforce Development to determine eligibility at that time.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn