

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SANDRA R HARNISCH
24379 – 210TH ST
SUMNER IA 50674

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

AMENDED

Appeal Number: 04A-UI-10728-DWT
OC: 09/12/04 R: 04
Claimant: Appellant (4)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-4 – Wages Between Claim Years

STATEMENT OF THE CASE:

Sandra R. Harnisch (claimant) appealed a representative's September 22, 2004 decision (reference 01) that held her ineligible to receive unemployment insurance benefits as of September 12, 2004 because she had not earned at least \$250.00 in benefits between her two benefit years. A hearing was scheduled on October 21, 2004. On October 20, the Claims Section issued another decision (reference 03) that held the claimant eligible to receive benefits. The administrative law judge incorrectly believed the October 20, 2004 decision determined the claimant was eligible to receive benefits as of September 12. Based on this understanding, the administrative law judge concluded the October 20 decision resolved the issues and there was no need for a hearing.

After the decision in this matter was issued, the administrative law judge became aware that the October 20 decision held the claimant eligible to receive benefits as of September 26, 2004,

instead of September 12, 2004. The administrative law judge reopened the hearing. Another hearing was held on November 3, 2004, and the claimant presented testimony. Based on the evidence, the arguments of the claimant and the law, the administrative law judge enters the following amended findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

When is the claimant eligible to receive unemployment insurance benefits for a subsequent benefit year?

AMENDED FINDINGS OF FACT:

The claimant established a subsequent benefit year during the week of September 12, 2004. The claimant did not work and earn wages from September 14, 2003, the date she established her first benefit year, through September 12, 2004. The claimant earned at least \$250.00 during the week of September 19, 2004.

AMENDED REASONING AND CONCLUSIONS OF LAW:

Before a claimant is considered eligible to receive benefits during a subsequent benefit year, she must have earned a minimum of \$250.00 from an insured employer. Iowa Code §96.4-4. The facts establish the claimant did not earn any wages after she established her first benefits until the week of September 19. During this week she earned at least \$250.00 in wages from an insured employer. Therefore, as of September 26, 2004, the claimant is qualified to receive unemployment insurance benefits.

AMENDED DECISION:

The representative's September 22, 2004 decision (reference 01) has been modified in the claimant's favor. During the week of September 19, 2004, the claimant earned at least \$250.00 in wages from an insured employer. Until the week of September 19, 2004, the claimant had not worked since September 14, 2003. As of September 26, 2004, the claimant is eligible to receive unemployment insurance benefits.

dlw/tjc