

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALYCE MATTIS

Claimant

APPEAL NO. 09A-UI-10160-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/14/09

Claimant: Appellant (1)

Section 96.4-4 – Earnings Requirement/Between Benefit Years

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated July 8, 2009, reference 01, that denied second benefit year benefits for failing to satisfy the \$250.00 earnings requirement. A hearing was held on July 30, 2009. The claimant participated.

ISSUE:

The issue is whether the claimant has earned \$250.00 between benefit years.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered the evidence in the record, finds that: The claimant was laid-off by Trittoria Foods. on June 15, 2008, and she filed an unemployment claim on June 15, 2008. The claimant filed a second benefit year claim effective June 14, 2009.

The claimant has not worked for any employer and earned wages for insured work since her separation from Trittoria.

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 that the claimant is not eligible to receive benefits on her current unemployment claim effective June 14, 2009, because she does not meet the earnings qualification requirement of \$250.00 of insured work since his prior claim, June 15, 2008.

The law requires an unemployed individual to work and earn at least \$250.00 for insured work during or subsequent to a benefit year in order to be eligible for a second benefit year. The claimant admitted that she has not met the earnings requirement as of the date of this hearing.

DECISION:

The decision of the representative dated July 8, 2009, reference 01, is affirmed. The claimant is not eligible to receive benefits effective June 14, 2009 until she has worked in and been paid wages for insured work of at least \$250.00, provided she is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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