

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

MICHAEL R MCCOOL
113 SE 2ND ST
OGDEN IA 50212

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-12103-DWT
OC: 11/13/05 R: 02
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 is 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 – Eligibility Condition for Second Benefit Year

STATEMENT OF THE CASE:

Michael R. McCool (claimant) appealed a representative's November 23, 2005 decision (reference 01) that held him ineligible to receive benefits as of November 13, 2005, because he had not earned a minimum of \$250.00 in wages since November 14, 2004. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on December 14, 2005. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Has the claimant earned \$250.00 since he established a benefit year on November 14, 2004?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of November 14, 2004. The claimant received benefits between November 14, 2004 and November 13, 2005. The claimant established a subsequent benefit year during the week of November 13, 2005. The claimant did not work or earn any wages between November 14, 2004 and November 13, 2005. During the week of December 4, 2005, the claimant earned at least \$400.00 in wages.

REASONING AND CONCLUSIONS OF LAW:

If a claimant has drawn benefits in any benefit year, he must earn during or subsequent to that year, work in and be paid wages for insured working totaling at least \$250.00, as a condition to receive benefits in the next benefit year. Iowa Code §96.4-4. Since the claimant did not earn any wages from November 14, 2004 through November 13, 2005, but received benefits during this time frame, as of November 13, 2005, he is not eligible to receive benefits. The claimant is, however, eligible to receive benefits as of December 11, 2005, because he has satisfied the conditions of Iowa Code §96.4-4 to be eligible to receive benefits in a subsequent benefit year.

DECISION:

The representative's November 23, 2005 decision (reference 01) is modified in the claimant's favor. While the claimant is not eligible to receive benefits as of November 13, 2005, he is eligible to receive benefits as of December 11, 2005.

dlw/kjf