

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANTHONY P JUAREZ
Claimant

APPEAL NO. 21A-UI-11300-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/11/21
Claimant: Appellant (4)**

Iowa Code Section 96.4(4) – Second Benefit Year

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 22, 2021, reference 01, decision that denied regular benefits effective April 11, 2021, based on an Agency determination that the claimant did not meet the eight-times-weekly-benefit-amount minimum earnings requirement and therefore was not monetarily eligible for benefits in a second benefit year. After due notice was issued, a hearing was held on July 9, 2021. Claimant participated. Exhibits A through D were received into evidence at the time of the appeal hearing. The administrative law judge took official notice of the following agency administrative records: DBIN, DBRO, KCCO, Wage-A and the June 4, 2020, reference 01, decision. The administrative law judge left the hearing record open for the limited purpose of allowing the claimant the opportunity to submit pay records from his most recent employment. The claimant submitted pay records that were received into evidence as Exhibit E.

ISSUES:

Whether the claimant has met the eight-times weekly benefit amount earnings requirement to be monetarily eligible for benefits in connection with a second claim year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: the claimant established an original claim for benefits that was effective April 12, 2020. Iowa Workforce Development set the weekly benefit amount at \$481.00. Eight times \$481.00 is \$3,848.00. The claimant established the claim in response to an April 9, 2020 non-disqualifying discharge from employment with Sioux-Preme Packing Company. The claimant received regular state benefits and federal benefits in connection with the claim. The benefit year that began for the claimant on April 12, 2020 expired on April 10, 2021. The claimant established a new claim year that was effective April 11, 2021.

From the time the claimant separated from the Sioux-Preme Packing Company employment in April 2020 until the claimant began new employment at the end of May 2021, the claimant was not employed and did not earn or receive any wages.

At the end of May 2021, the claimant began full-time employment with Fimco as a material handler. The wage for the new employment is \$14.00 an hour. The claimant is paid weekly. Since beginning the new employment, the claimant has been paid wages totaling \$3,884.55, with the most recent payment (\$581.28) being made on July 9, 2021.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(4)(a-c) 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.

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.

[Emphasis added.]

The evidence in the record establishes that the claimant met the eight-times-weekly-benefit-amount minimum earnings requirement on July 9, 2021, during the benefit week that ended July 10, 2021. Effective July 11, 2021, the claimant is monetarily eligible for regular benefits in connection with the new benefit year. The claimant must meet all other eligibility requirements. The claimant was not monetarily eligible for benefits in the new claim year during the period prior to July 11, 2021.

DECISION:

The April 22, 2021, reference 01, decision is modified in favor of the claimant/appellant as follows. Effective July 11, 2021, the claimant met the eight-times-weekly-benefit-amount minimum earnings requirement and is monetarily eligible for regular benefits in connection with the new, second benefit year. The claimant must meet all other eligibility requirements. The claimant was not monetarily eligible for benefits in the new claim year during the period prior to July 11, 2021.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

James E. Timberland
Administrative Law Judge

July 20, 2021
Decision Dated and Mailed

jet/ol