

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

ISABEL A LINDAUER
419 LOWELL ST
DUBUQUE IA 52001

IOWA WORKFORCE DEVELOPMENT
DEPARTMENT

Appeal Number: 05A-UI-01774-CT
OC: 01/30/05 R: 04
Claimant: Appellant (1)

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) – Second Benefit Year Requalification

STATEMENT OF THE CASE:

Isabel Lindauer filed an appeal from a representative's decision dated February 9, 2005, reference 01, which denied benefits on a finding that she had not earned at least \$250.00 in insured wages since the beginning of her prior benefit year. After due notice was issued, a hearing was held by telephone on March 8, 2005. Mrs. Lindauer participated personally and offered additional testimony from Pam Mootz. The hearing record was left open pending resolution of a request for omitted wage credits filed on Mrs. Lindauer's behalf. However, because of the delay in the resolution, the hearing record was closed on March 18, 2005.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mrs. Lindauer filed a claim for job insurance benefits effective January 1, 2004. She worked for Kirby Company of Dubuque (Kirby) from October until December of 2004. However, no wages have been reported to Workforce Development by Kirby for Mrs. Lindauer. Workforce Development does not have record of any wages earned by Mrs. Lindauer since filing her prior claim effective January 1, 2004. The current claim was filed effective January 30, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mrs. Lindauer is entitled to receive benefits on the second benefit year claim filed effective January 30, 2005. In order to receive benefits during a second year, an individual must have earned at least \$250.00 in insured wages since the beginning of the prior benefit year. Iowa Code section 96.4(4). Because Mrs. Lindauer does not have proof of the requisite wages, she is not entitled to benefits on the claim filed effective January 30, 2005.

Workforce Development has filed a request for omitted wage credits regarding Mrs. Lindauer's work with Kirby. If wage credits are added for her work with Kirby, she will have earned the wages required for a second benefit year. Mrs. Lindauer should contact her local office if she receives a W-2 form (not a form 1099) from Kirby or when she receives notice from Workforce Development that the omitted wage credits have been added. During the interim, she should continue reporting on her claim weekly.

DECISION:

The representative's decision dated February 9, 2005, reference 01, is hereby affirmed. Mrs. Lindauer is not entitled to benefits at this time on the claim filed effective January 30, 2005 because she does not yet have the required wages. Benefits are withheld until such time as she has proof of insured wages of at least \$250.00, provided she satisfies all other conditions of eligibility.

cfc/sc