

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NANETTE M NEWELL
Claimant

APPEAL NO. 11A-UI-08735-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/27/09
Claimant: Appellant (1)

Section 96.4-4 – Second Benefit Year Earnings Requirement

STATEMENT OF THE CASE:

Nannette M. Newell filed a timely appeal from an unemployment insurance decision dated June 21, 2011, reference 01, that ruled she was ineligible for state unemployment insurance benefits effective December 29, 2009 upon a finding that she had not earned and been paid insured wages of at least \$250.00 since the beginning of her previous benefit year on December 28, 2009. After due notice was issued, a telephone hearing was held July 28, 2011. Ms. Newell participated on her own behalf and offered Exhibits A, B and C, which were admitted into evidence.

ISSUE:

Was the claimant eligible for state unemployment insurance benefits effective December 29, 2009?

FINDINGS OF FACT:

Nanette M. Newell filed a claim for unemployment insurance benefits effective December 28, 2008 after being laid off by Principal Financial Services. She has not been employed since then. In 2009 she received payments from the company as part of its reduction in force agreement.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Newell is eligible for state unemployment insurance benefits effective December 27, 2009. She is not. Iowa Code section 96.4-4 imposes an additional eligibility requirement for individuals who have in a previous benefit year received unemployment insurance benefits. To establish continued attachment to the workforce, the individual must show that since the beginning of the previous benefit year the individual has earned and been paid insured wages of at least \$250.00. See Iowa Code section 96.4-4.

The evidence in this record establishes that Ms. Newell continued to receive payouts from Principal Life Insurance Company into 2009. These payments do not represent wages for work

performed by Ms. Newell after the beginning of her 2008 benefit year. Therefore, they cannot be used to meet the requirement of Iowa Code section 96.4-4.

DECISION:

The unemployment insurance decision dated June 21, 2011, reference 01, is affirmed. The claimant is ineligible for state unemployment insurance benefits effective December 27, 2009.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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