

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SAMUIL PANE**  
Claimant

**APPEAL NO. 10A-UI-09247-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/31/09**  
**Claimant: Appellant (1)**

Section 96.4-4 – Requalification for Second Benefit Year

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 23, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 14, 2010. Claimant participated. The record consists of the testimony of the claimant. Official notice is taken of agency records.

**ISSUE:**

Whether the claimant has worked in and been paid wages of at least \$250.00 either during or after the previous benefit year in which he was paid benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant's job with Nationwide Insurance was eliminated on May 31, 2009. The claimant filed a claim for unemployment insurance benefits with an original claim date of May 31, 2009. He received benefits. The claimant is presently receiving weekly EUCU benefits, which commenced on February 2010. The claimant filed for benefits for a second benefits year on May 30, 2010. The claimant was not paid any insured wages either during or after the previous benefits year in which he received benefits.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4-4-a-b-c provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

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.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

(2) Employers shall be charged in the manner provided in this chapter for benefits paid based upon quarters used in the alternative base period.

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 two hundred fifty dollars, as a condition to receive benefits in the next benefit year.

Under the provisions of the above Code section, the claimant is not eligible to receive unemployment benefits on the current claim year, as sufficient insured wages have not been earned as required.

**DECISION:**

The decision of the representative dated June 23, 2010, reference 01, is affirmed. The claimant is disqualified from receiving benefits effective May 30, 2010. This decision does not affect the claimant's current receipt of EUCU benefits.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs