

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WENDI RIGGENS-MILLER**  
Claimant

**APPEAL NO. 12A-UI-02427-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 02/12/12**  
**Claimant: Appellant (2-R)**

Iowa Code Section 96.4(4) – Minimum Earnings Required for Eligibility

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 8, 2012, reference 01, decision that denied benefits effective February 12, 2012 based on an Agency conclusion that she had not met the \$250.00 minimum earnings requirement to be eligible for benefits during a second benefit year. A hearing was set for March 29, 2012, and the claimant was properly notified by notice mailed on March 16, 2012. Based on action taken by the Claims Division to reverse the March 8, 2012, reference 01 decision, the administrative law judge concludes that an appeal hearing is not necessary.

**ISSUE:**

Whether the claimant has worked in and earned at least \$250.00 from insured work during or subsequent to the benefit year in which she collected benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: On March 8, 2012, the Claims Division entered a reference 01 decision that denied benefits effective February 12, 2012, based on an Agency conclusion that the claimant had not met the \$250.00 minimum earnings requirement to be eligible for benefits during a second benefit year. On March 27, 2012, the Claims Division entered a reference 02 decision that allowed benefits effective February 12, 2012, based on the amended Agency conclusion that the claimant had met the \$250.00 minimum earnings requirement to be eligible for benefits during a second benefit year.

## **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4-4 provides:

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

4. 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 subsection 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.

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.

"Insured work" is employment, as defined in a state employment security law, performed for a subject employer, or federal employment as defined in the Social Security Act. 871 IAC 24.1(62).

Based on the conclusion reached by the Claims Division in the March 27, 2012, reference 02 decision, the administrative law judge concludes that the claimant has met the \$250.00 minimum earnings requirement to be eligible for benefits during a second benefit year. The claimant is eligible for benefits, effective February 12, 2012, provided she is otherwise eligible.

## **DECISION:**

The Agency representative's March 8, 2012, reference 01, decision is reversed. As indicated in the March 27, 2012, reference 02 decision, the claimant has met the \$250.00 minimum earnings requirement to be eligible for benefits during a second benefit year. The claimant is eligible for benefits, effective February 12, 2012, provided she is otherwise eligible.

This matter is remanded to the Claims Division for determination of whether the claimant meets the work availability requirement set for in Iowa Code section 96.4(3).

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs