

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

JUAN F LEIVA
830 E SENACA AVE
DES MOINES IA 50316

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-12401-HT
OC: 10/31/04 R: 02
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant, Juan Leiva, filed an appeal from a decision dated November 10, 2004, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was scheduled to be held by telephone conference call on December 14, 2004. Prior to the hearing date it was determined no hearing was necessary.

FINDINGS OF FACT:

Having examined all of the evidence in the record, the administrative law judge finds: Juan Leiva filed a claim for unemployment benefits with an effective date of October 31, 2004. The

present decision disqualified him from receiving benefits because he had not earned at least \$250.00 during or after his prior benefit year. Subsequent to that decision, but prior to the scheduled hearing date, the Claims Section issued a second decision on December 1, 2004, finding the claimant had, in fact, earned the required amount.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

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.

The claimant had met the requirements of the above Code section by earning at least \$250.00 during or after his prior benefit year. He has therefore met this requirement and is eligible for benefits.

DECISION:

The representative's decision of November 10, 2004, reference 01, is reversed. Juan Leiva is eligible for benefits as he had earned at least \$250.00 during or after his prior benefit year.

bgh/kjf