

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SUZETTE MCBRIDE
Claimant

APPEAL 24A-UI-03485-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/17/24
Claimant: Appellant (1)**

Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

Suzette McBride, the claimant/appellant,¹ appealed the Iowa Workforce Development (IWD) March 27, 2024, (reference 01) unemployment insurance (UI) decision. IWD denied Ms. McBride REGULAR (state) UI benefits as of March 17, 2024 because IWD concluded that no employer paid her at least eight times her prior benefit year’s weekly UI benefit amount (WBA) in insured wages during or after her prior benefit year. On April 3, 2024, the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to Ms. McBride for a telephone hearing scheduled for April 23, 2024.

The administrative law judge held a telephone hearing on April 23, 2024. Ms. McBride participated in the hearing personally. The administrative law judge took official notice of the administrative record.

The administrative law judge concludes Ms. McBride is not eligible for UI benefits as of March 17, 2024 because she did not earn enough wages from insured work since she first applied for UI benefits in January 2023.

ISSUES:

Did any employer pay Ms. McBride insured wages of at least eight times her prior benefit year’s WBA during or after the previous benefit year to become eligible for UI benefits during a second UI benefit year?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. McBride applied for REGULAR (state) UI benefits effective January 29, 2023 (first benefit year). IWD sent Ms. McBride a monetary record (aka green sheet) that acknowledged her base period wages and set her weekly UI benefit amount at \$551.00. Ms. McBride applied for UI benefits in January 2023 because employer Strom Engineering Corporation (Strom) let her go due to lack

¹ Claimant is the person who applied for UI benefits. Appellant is the person or employer who appealed.

of work. IWD paid Ms. McBride REGULAR (state) UI benefits during her first benefit year. Ms. McBride's first benefit year ended on January 28, 2024.

Ms. McBride applied for REGULAR (state) UI benefits again effective March 17, 2024 (second benefit year). IWD sent Ms. McBride a monetary record that acknowledged her base period wages and set her weekly UI benefit amount at \$582.00. No employer has paid Ms. McBride any insured wages since her January 2023 separation from employment with Strom.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. McBride is not eligible to receive REGULAR (state) UI benefits as of March 17, 2024, the beginning of her subsequent (second) benefit year.

Iowa Code section 96.4(4)(a) and (c) provide:

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

4. 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.

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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

[Emphasis added]

Iowa Code Section 96.1A(14), (16) and (26) provides

14. "Employer" means:

a. For purposes of this chapter with respect to any calendar year after December 31, 2018, any employing unit which in any calendar quarter in either the current or preceding calendar year paid wages for service in employment.

...

16. "Employment".

a. Except as otherwise provided in this subsection, "employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied.

...

26. "Insured work" means employment for employers.

Qualifying wages are those subject to contribution under a state employment security law or wages subject to tax under the federal Unemployment Tax Act.²

In this case, Ms. McBride has not met the eight-times-weekly-benefit-amount minimum earnings requirement. So, she is not eligible for benefits as of March 17, 2024, the beginning of her second benefit year. Ms. McBride applied for UI benefits in an earlier benefit year and IWD paid her UI benefits during that benefit year. To meet the eight-times-weekly-benefit-amount minimum earnings requirement, Ms. McBride would need to have been employed and to have been paid eight times her \$551.00 weekly benefit amount after she no longer worked at Strom in January 2023. That amount is \$4,408.00. Because Ms. McBride has not received at least \$4,408.00 in wages from insured work during after January 2023, she is not eligible for benefits as of March 17, 2023, the start of her second benefit year.

DECISION:

The March 27, 2024 (reference 01) UI decision is AFFIRMED. Ms. McBride does not currently meet the eight-times-weekly-benefit-amount minimum earnings requirement to be monetarily eligible for benefits during her second benefit year. Ms. McBride is not eligible for UI benefits as of March 17, 2024.



Daniel Zeno
Administrative Law Judge

April 25, 2024
Decision Dated and Mailed

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NOTE TO MS. MCBRIDE:

- Your benefit year ends on March 16, 2025.
- If you earn at least \$4,408.00 in wages from insured work between now and the end of your benefit year, you may submit evidence of that to IWD for IWD to decide if you are eligible for UI benefits.

² See Iowa Admin. Code r. 871-24.1(131), (132).

APPEAL RIGHTS. If you disagree with this decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines IA 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

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.

AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or 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.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines IA 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.