

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN R JOHNSON
Claimant

APPEAL NO. 08A-UI-07565-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/03/08 R: 03
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Steven R. Johnson filed a timely appeal from the August 15, 2008, reference 01, decision that denied unemployment benefits and that concluded Mr. Johnson did not meet the minimum earnings requirements to be eligible for unemployment insurance benefits. After due notice was issued, a hearing was held on September 4, 2008. Mr. Johnson participated in the hearing. The administrative law judge took official notice of several Workforce Development administrative records. These included the May 28, 2007, reference 99, letter that told Mr. Johnson he might be eligible for emergency unemployment compensation (EUC) benefits and the August 4, 2008 letter that told Mr. Johnson he needed to file a new claim for unemployment insurance benefits. The records considered also included Workforce Development's record of Mr. Johnson's most recent employment, as well as the Data Base Readout (DBRO) information concerning the claim for benefits that was effective August 5, 2007 and the new claim for benefits that was effective August 3, 2008.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Steven R. Johnson established a claim for unemployment insurance benefits that was effective August 5, 2007. That claim for benefits was based on Mr. Johnson's August 7, 2007 separation from employment at Vermeer Manufacturing. Mr. Johnson received unemployment insurance benefits during the period of August 5, 2007 through January 26, 2008, when he reached his unemployment insurance maximum benefit amount. The benefit year that started on August 5, 2007 ended on August 2, 2008. Mr. Johnson has earned no wages since he separated from the employment at Vermeer Manufacturing.

On July 28, 2008, Workforce Development notified Mr. Johnson that he might be eligible for Emergency Unemployment Insurance Compensation (EUC). The notice directed Mr. Johnson to make appropriate application to Workforce Development. Mr. Johnson was deemed eligible

for EUC benefits and received EUC benefits for the four-week period of July 6 through August 2, 2008.

On August 4, 2008, Workforce Development notified Mr. Johnson that he would need to file a new application for unemployment insurance benefits unless he filed a new claim for regular unemployment insurance benefits. This letter was sent because a person must first be deemed not eligible for regular unemployment insurance benefits before they can be considered for Emergency Unemployment Insurance Compensation (EUC). Because the benefit year in which Mr. Johnson had first applied for regular unemployment insurance benefits had ended on August 2, 2008, the question of whether Mr. Johnson was now eligible for regular unemployment insurance benefits under the new benefit year had to be resolved before Mr. Johnson could be considered for Emergency Unemployment Insurance Compensation (EUC).

Mr. Johnson established a new claim for regular unemployment insurance benefits that was effective August 3, 2008. Mr. Johnson has not received any benefits during the new claim year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(4) sets forth the minimum earnings requirements a person must meet to be eligible for unemployment insurance benefits. One requirement is that a person must earn at least \$250.00 in wages from "insured work" during the benefit claim year in which they first received unemployment insurance benefits or in a subsequent claim year. If this condition is not met, the person is not eligible for regular unemployment insurance benefits during the second or subsequent claim 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).

The evidence in the record indicates that Mr. Johnson does not meet the minimum earnings requirement, because he has earned no wages since his employment at Vermeer Manufacturing ended in August 2007. Accordingly, Mr. Johnson is not yet eligible to receive regular unemployment insurance benefits during the benefit claim year that started on August 3, 2008.

However, the fact that Mr. Johnson is not eligible for regular unemployment insurance benefits does not automatically mean that he is not eligible for Emergency Unemployment Compensation (EUC) Benefits. Mr. Johnson should contact his local Workforce Development Center when he receives this decision and make an application for EUC benefits.

DECISION:

The Agency representative's August 15, 2008, reference 01, decision is affirmed. Mr. Johnson does not meet the minimum earnings requirement, because he has earned no wages since his employment at Vermeer Manufacturing ended in August 2007. Accordingly, Mr. Johnson is not yet eligible to receive regular unemployment insurance benefits during the benefit claim year that started on August 3, 2008.

However, the fact that Mr. Johnson is not eligible for regular unemployment insurance benefits does not automatically mean that he is not eligible for additional Emergency Unemployment Compensation (EUC) Benefits. Mr. Johnson should contact his local Workforce Development Center when he receives this decision and make an application for additional EUC benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw