

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY A DUTRA
Claimant

APPEAL NO. 09A-UI-17004-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/25/09
Claimant: Appellant (2)

Section 96.4-4 – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the November 5, 2009, reference 01, that denied benefits because of her failure to earn at least \$250.00 in insured wages during or after the prior year and not having sufficient wages with other employers in the base period to be eligible to draw benefits. After due notice was issued, a hearing was held by telephone on December 17, 2009. The claimant did participate.

ISSUE:

The issue is whether Mary Dutra earned at least \$250.00 in insured work during or after the prior claim year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did earn at least \$250.00 in insured wages during or subsequent to the prior year beginning October 25, 2008.

Ms. Dutra only reported wages for the weeks ending November 29, 2008, December 6, 2008 and December 13, 2008 and wages provided in documentation (See Exhibit One) for earnings for the pay period August 16, 2009 through August 29, 2009 exceeded \$250.00 in insured wages.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits during the subsequent benefit year because the claimant did earn at least \$250.00 in insured wages during or subsequent to the claim year beginning October 25, 2008.

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.

DECISION:

The November 5, 2009, reference 01, decision is reversed. The claimant is eligible to receive benefits during the current claim year beginning October 25, 2009.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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