

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
JEFFREY J FERGUSON Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	APPEAL NO: 13A-UI-13191-DT ADMINISTRATIVE LAW JUDGE DECISION OC: 11/17/13 Claimant: Appellant (1)

Section 96.4-4 – Second Benefit Year Qualification

STATEMENT OF THE CASE:

Jeffrey J. Ferguson (claimant) appealed a representative's November 27, 2013 decision (reference 01) that concluded the claimant was not eligible to receive unemployment insurance benefits for a second benefit year because the claimant had not been paid insured wages of at least \$250.00 since establishing his prior benefit year. A hearing notice was mailed to the claimant's last-known address of record for a telephone hearing to be held at 12:00 p.m. on December 24, 2013. The claimant received the hearing notice and responded by calling the Appeals Section on December 11, 2013. He indicated that he would be available at the scheduled time for the hearing at a specified telephone number. However, when the administrative law judge called that number at the scheduled time for the hearing, the claimant was not available; therefore, he did not participate in the hearing. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible to receive unemployment insurance benefits for a second benefit year?

FINDINGS OF FACT:

After a separation from employment with Interstate Brands Corporation on or about November 16, 2012, the claimant established a claim for unemployment insurance benefits for a claim year beginning November 18, 2012, ending November 16, 2013. He received first regular unemployment insurance benefits and then emergency unemployment compensation (EUC) benefits under that claim year through the week ending November 16, 2013. He then sought to file a subsequent claim effective November 17, 2013. Since November 18, 2012 the claimant has not earned wages from insured work in excess of \$250.00.

REASONING AND CONCLUSIONS OF LAW:

If an individual has drawn benefits in any benefit year, the individual must, during or subsequent to that year, work in and be paid wages totaling at least \$250.00 as a condition to receive benefits in the next benefit year. Iowa Code § 96.4-4.

The evidence shows that at the claimant has not earned at least \$250.00 in insured was since establishing the prior benefit year effective November 18, 2012. He is not currently eligible for a subsequent benefit year.

DECISION:

The representative's November 27, 2013 decision (reference 01) is affirmed. The claimant is not currently entitled to receive unemployment insurance benefits during a claim year effective November 17, 2013.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs