

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HILARY M BOYD
Claimant

APPEAL NO. 11A-UI-04895-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/27/11
Claimant: Appellant (1)**

Section 96.4-4 – Requalification for Second Benefit Year

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 6, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits effective March 27, 2011. After due notice, a telephone conference hearing was scheduled for and held on April 27, 2011. Claimant participated. The record consists of the testimony of Hilary Boyd. Official notice is taken of agency documents.

ISSUE:

Whether the claimant has been paid insured wages of at least \$250.00 either during or after the previous benefit year in which benefits were received.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant established an original claim for benefits with an effective date of March 21, 2010, following a separation of employment from Wells Fargo. The claimant received unemployment insurance benefits through the week ending September 18, 2010. She was then placed on emergency unemployment compensation benefits (EUCU) for the week ending September 25, 2010. She is presently receiving EUCU benefits. The claimant has not been paid for insured work since her separation of employment from Wells Fargo.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.4-4-a-b-c provides:

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

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.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

(2) Employers shall be charged in the manner provided in this chapter for benefits paid based upon quarters used in the alternative base period.

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 two hundred fifty dollars, as a condition to receive benefits in the next benefit year.

The evidence established that the claimant has not worked in and been paid any wages since her prior claim was established on March 21, 2010. She has not qualified for benefits for a second benefit year. This decision does not affect the claimant's receipt of EUCU benefits.

DECISION:

The decision of the representative dated April 6, 2011, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits effective March 27, 2011. This decision does not affect the claimant's receipt of EUCU benefits.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs