

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTINE MYERS
Claimant

APPEAL NO. 11A-UI-00856-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/02/11
Claimant: Appellant (2)**

Section 96.4-4 – Monetary Eligibility in Subsequent Benefit Year

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated January 13, 2011, reference 01, that denied benefits because the claimant failed to earn at least \$250.00 in insured wages during or after the prior benefit year. After due notice was issued, a hearing was held on February 23, 2011. The claimant did participate.

ISSUE:

At issue is whether the claimant earned at least \$250.00 in insured wages during or after her previous benefit 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 her prior or subsequent benefit year beginning January 1, 2010.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive benefits during a subsequent benefit year.

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.

Because the claimant did earn at least \$250.00 in insured wages during or subsequent to the benefit year beginning January 1, 2010, the claimant is eligible to receive benefits during the current claim year beginning January 2, 2011.

DECISION:

The representative's decision dated January 13, 2011, reference 01, is reversed. The claimant is eligible to receive benefits during the current claim year beginning January 2, 2011.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw