

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

LISA A WEDEKING  
817 DOUGLAS AVE  
DES MOINES IA 50313

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-00168-D  
OC: 12/21/03 R: 02  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4-4 - Second Benefit Year Qualification

STATEMENT OF THE CASE:

Lisa A. Wedeking (claimant) appealed a representative's December 31, 2003 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. After a hearing notice was mailed to the claimant's last-known addresses of record, an in-person hearing was held on January 27, 2004. The claimant participated in the hearing. During the hearing, Claimant's Exhibit A was entered into evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

## FINDINGS OF FACT:

After a December 2002 separation from her prior employer, the claimant established a claim for unemployment insurance benefits for a claim year beginning December 22, 2002, ending December 21, 2003. She filed a subsequent claim during the week ending December 27, 2003. The claimant has had no income since her December 2002 separation from her prior employer. On December 24, 2003 the Agency mailed the claimant a new non-monetary determination she still has some wages from that employer in her base period for the new claim year, and that based on those wages, she would be eligible for a weekly benefit amount of \$204.00 if she is otherwise eligible.

## REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is eligible to receive unemployment insurance benefits for a second benefit year. Iowa Code Section 96.4-4 provides that 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.<sup>1</sup> The evidence presented shows as of the date of the hearing, \$250.00 has not yet been earned. The claimant is currently not eligible for benefits, but may become eligible by obtaining some employment, even if temporary in nature, and presenting sufficient evidence, for example, pay stubs, of having earned at least \$250.00 to an Agency representative, such as at a local Agency office.

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<sup>1</sup> 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 representative's December 31, 2003 decision (reference 01) is affirmed. The claimant is not yet entitled to receive unemployment insurance benefits during the claim year beginning December 21, 2003, but may become so entitled upon providing evidence of having earned at least \$250.00 at any time since December 22, 2002, provided she meets all other eligibility requirements.

ld/kjf