

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATHLEEN MURRIN
Claimant

APPEAL 17A-UI-11584-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/29/17
Claimant: Appellant (1)**

Iowa Code § 96.4(4) – Monetary Eligibility
Iowa Code § 96.3(4) – Determination of Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 3, 2017, monetary decision. The claimant was properly notified about the hearing. A telephone hearing was held on November 30, 2017. The claimant participated personally. Claimant Exhibit A was admitted into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is the monetary record dated November 3, 2017, correct?
Is the claimant monetarily eligible for benefits effective October 29, 2017?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The base period for the claim year effective October 29, 2017, covers the third and fourth quarters of 2016, and the first and second quarters of 2017. The claimant last performed work for the Des Moines Pastoral Council, and that employment ended in the third quarter of 2016. The claimant then applied for unemployment insurance benefits in response, and filed a claim for a second year effective October 29, 2017. Since her separation with the Des Moines Pastoral Council, she has not performed any work for any other employer, in any other state, or federally, nor has she collected worker's compensation benefits. The wages listed in the monetary record for those quarters are correct.

REASONINGS AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the monetary record is correct. The claimant lacks sufficient qualified earnings to be eligible for unemployment insurance benefits for the benefit year beginning October 29, 2017.

Under the unemployment insurance law, a claimant must have sufficient wages in the base period to qualify for benefits, with the base period defined as the first four of the last five completed calendars. Iowa Code section 96.19-3.

In addition, Iowa Code section 96.4(4)a and c provides:

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

4. 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.

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 eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

The claimant filed a claim for a second benefit year with an effective date of October 29, 2017. She has not performed any work since permanent separation with the Des Moines Pastoral Council in the third quarter of 2016. In this case, the claimant has wages only in the third quarter of 2016. Because the claimant does not have sufficient wages in the base period from other employers to be eligible to draw benefits, she is ineligible to receive benefits during the current claim year beginning October 29, 2017. Benefits must be denied.

DECISION:

The November 3, 2017, monetary determination is affirmed. The claimant lacks qualified earnings to be monetarily eligible for benefits for the benefit year beginning October 29, 2017.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn