

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID R LAWSON**  
Claimant

**APPEAL NO: 13A-UI-09785-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/21/13  
Claimant: Appellant (2)**

Iowa Code § 96.4(4) - Second Benefit Year \$250 Requirement

**STATEMENT OF THE CASE:**

The claimant appealed a representative's May 30, 2013 determination (reference 02) that held he was not eligible to receive regular unemployment insurance benefits in a subsequent benefit year or as of April 21, 2013, because he had not earned \$250 in wages since April 22, 2012. The claimant participated in the phone hearing. After the hearing, the claimant faxed a copy of payroll stub from L & B Concrete Services, LLC. (Claimant Exhibit A.) Based on the evidence, the arguments of the claimant, the administrative law judge concludes the claimant has satisfied the \$250 wage requirement and is eligible to receive benefits in a second benefit year.

**ISSUE:**

Has the claimant satisfied the \$250 wage requirement to receive benefits in a second benefit year?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of April 22, 2012. He filed for and has received benefits since April 22, 2012. When the claimant's benefit year ended on April 20, 2013, the Department concluded he was monetarily eligible to establish a subsequent benefit year as of April 21, 2013.

During the week of April 5, 2013, L & B Concrete Services, LLC. paid the claimant \$500 for 20 hours of work the claimant provided. Federal income tax, social security, Medicare and state income taxes were withheld by L & B Concrete Services, LLC. from the claimant's check. (Claimant Exhibit A.)

**REASONING AND CONCLUSIONS OF LAW:**

If a claimant has drawn benefits in any benefit year, the claimant must, during or subsequent to that year, work in and be paid wages for insured work totaling at least \$250, as a condition to receive benefits in the next benefit year. Iowa Code § 96.4(4). The facts establish the claimant

worked and earned \$250 in wages from L & B Concrete Services, LLC. during the week of April 5, 2013. The claimant has satisfied the \$250 wage requirement and is potentially eligible to receive regular benefits as of April 21, 2013.

(The administrative record did not contain supporting documents for reference 02. Since the administrative record does not indicate what wages reference 02 referred to and a claimant can earn \$250 in wages at any time, even during a benefit year and become eligible to receive benefits, the timeliness issue noted on the hearing notice was not addressed. The claimant testified that he had requested wages from L & B Concrete Service, LLC be added, but had not received information about the outcome of this request.)

**DECISION:**

The representative's May 30, 2013 determination (reference 02) is reversed. The claimant satisfied the \$250 wage requirement to receive benefits in a second or subsequent benefit year. As of April 21, 2013, the claimant is potentially eligible to receive benefits in his second or subsequent benefit year.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/pjs