

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARB J KONIGSMARK SCHULTZ**  
Claimant

**APPEAL NO. 12A-UI-11942-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/16/12  
Claimant: Appellant (2)**

Section 96.4-4 -Qualification in a New Benefit Year

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 26, 2012, reference 01, that concluded the claimant was ineligible for benefits because she had not earned wages of at least \$250.00 during or after her previous benefit year. A telephone hearing was held on October 24, 2012. The claimant participated in the hearing. Exhibit A was admitted into evidence at the hearing.

**ISSUE:**

Is the claimant qualified for benefits for a second benefit year?

**FINDINGS OF FACT:**

The claimant filed a second new claim for unemployment insurance benefits with an effective date of September 16, 2012. She had worked and been paid wages in insured employment of at least \$320.00 during or after her previous benefit year. She was paid \$320.00 in wages by Complete Home Services and Improvements LLC (Unemployment Account # 517741) on September 14 for the pay period ending September 7, 2012 (Check # 8419).

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant has satisfied the conditions for eligibility in a new benefit year.

Iowa Code Section 96.4-4 provides in part:

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

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 statute requires that a claimant work and be paid wages for insured work since the beginning of the previous benefit year in order to be eligible for benefits in a subsequent benefit year. The intent of the statute is to prevent a claimant from drawing benefits in two benefit years based on the same employment and separation from employment and require some new work and wages before receiving benefits in a second benefit year. In this case, the claimant has worked and been paid wages of at least \$250.00 since the beginning of his previous year and is, therefore, eligible for benefits.

**DECISION:**

The unemployment insurance decision dated September 26, 2012, reference 01, is reversed. The claimant is eligible for unemployment insurance benefits effective September 16, 2012.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/pjs