

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD R FRANKLIN
Claimant

APPEAL NO. 08A-UI-02761-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/02/08 R: 12
Claimant: Appellant (1)**

Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 12, 2008, reference 01, decision that denied benefits because of a lack of at least \$250.00 in insured wages during or after the prior claim year. After due notice was issued, a hearing was held on April 3, 2008. Claimant participated. Claimant's Exhibit A was received.

ISSUE:

The issue is whether claimant earned insured wages of \$250.00 or more during or after the previous benefit year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did not earn at least \$250.00 in insured wages during or subsequent to the prior claim year beginning February 4, 2007. He did present evidence of 1099 income from Enea Embedded Technology, Inc. but these were not insured wages as this employer did not pay unemployment insurance taxes on the funds paid to claimant, but treated the relationship as an independent contractor.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible to receive benefits during the subsequent benefit year.

Iowa Code § 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 not earn at least \$250.00 in *insured* wages during or subsequent to the claim year beginning February 4, 2007, he is not eligible to receive benefits during the current claim year beginning March 2, 2008.

DECISION:

The March 12, 2008, reference 01, decision is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning March 2, 2008.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs