

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN A HACHEY
Claimant

APPEAL 21A-UI-11490-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/28/21
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the April 21, 2021, (reference 01) unemployment insurance decision that denied benefits because of a lack of at least eight times the prior claim year's weekly benefit amount ("WBA") in insured wages during or after the prior claim year. After due notice was issued, a hearing was held on July 12, 2021. Claimant participated. The administrative law judge took official notice of the claimant's unemployment insurance benefit records including the fact-finding documents.

ISSUE:

Did the claimant earn insured wages of at least eight times the prior claim year's WBA during or after the previous benefit year to become eligible for a second benefit year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's WBA in the prior claim year effective March 29, 2020, is \$481.00. The claimant did not earn at least eight times the prior claim year's WBA in insured wages during or subsequent to the prior claim year beginning March 29, 2020.

The administrative record reflects that insured quarterly wages were reported to IWD for the Fourth quarter of 2020 in the amount of \$1,824.00. Those wages did not equal eight times the claimant's weekly benefit amount for the prior benefit year.

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 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.

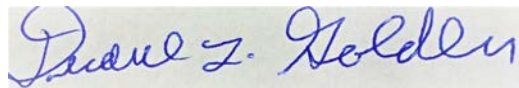
c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

Although the administrative law judge (ALJ) recognizes claimant's earnest and active search for work, because the claimant did not demonstrate an ongoing connection to the labor market by earning at least eight times the prior claim year's WBA in insured wages during or subsequent to the claim year beginning March 29, 2020, he is not eligible to receive benefits during the current claim year beginning March 28, 2021.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

DECISION:

The April 21, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning March 28, 2021. If claimant does earn eight times the prior claim year's WBA in insured wages he may present evidence of that to IWD to determine eligibility.



Duane L. Golden
Administrative Law Judge

July 23, 2021
Decision Dated and Mailed

dlg/scn