

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

EARL F DAGE
602 – 9TH AVE W
OSKALOOSA IA 52577

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 05A-UI-12138-S2T
OC: 11/13/05 R: 03
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-4 – Qualification in a New Benefit Year

STATEMENT OF THE CASE:

Earl Dage (claimant) appealed a representative's November 23, 2005 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he had not received wages of at least \$250.00 during or after his previous benefit year. After hearing notices were mailed to the claimant's last-known addresses of record, a telephone hearing was held on December 15, 2005. The claimant participated personally. The claimant offered one exhibit which was marked for identification as Exhibit A. Exhibit A was received into evidence.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant has requalified for benefits since the separation

from the employer. He was employed by B & B Bedding and earned at least \$250.00 during or after his previous benefit year.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant has satisfied the conditions for eligibility in a new benefit year. For the following reasons, the administrative law judge concludes he has.

Iowa Code section 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.

The statute requires that a claimant work in 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 benefit year and is, therefore, eligible to receive unemployment insurance benefits.

DECISION:

The representative's November 23, 2005 decision (reference 01) is reversed. The claimant has been paid wages of at least \$250.00 for insured work since his prior claim. The claimant is eligible to receive unemployment insurance benefits.

bas/kjw