

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ABRAHAM D MANYOK**  
Claimant

**APPEAL NO: 10A-UI-03606-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/21/10  
Claimant: Appellant (1)**

871 IAC 24.28- Requalifying Wages

**STATEMENT OF THE CASE:**

The claimant appealed a representative's March 31, 2010 decision (reference 01) that held he was not eligible to receive benefits because he had not earned ten times his benefit amount after he had been held disqualified based on a February 24, 2009 employment separation from Tyson Fresh Meats. A telephone hearing was held on April 8, 2010. The claimant participated in the hearing with his attorney, Laura Jontz. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Has the claimant earned enough requalifying wages since his February 24, 2009 employment separation to be eligible to receive benefits?

**FINDINGS OF FACT:**

The claimant initially established a claim for benefits during the week of March 22, 2009. He was eligible to receive a maximum weekly benefit amount of \$298.00. As of March 21, 2010, the claimant had not appealed an April 8, 2009 decision that held him disqualified from receiving benefits as of March 22, 2009, because his employment separation with Tyson Fresh Meats, Inc. was for disqualifying reasons.

The claimant earned \$2,684.00 in wages from Express Services from October 1 through December 31, 2009.

The claimant established a new benefit year during the week of March 21, 2010. Based on the wages he earned from October 1, 2008 through September 30, 2009, he is monetarily eligible to receive a maximum weekly benefit amount of \$374.00, if he meets all other eligibility requirements.

**REASONING AND CONCLUSIONS OF LAW:**

As of March 21, 2010, the April 8, 2009 decision that disqualified the claimant from receiving benefits had not been appealed. This decision informed the claimant that he would be disqualified until he had been paid ten times his weekly benefit amount for insured work, provided he was otherwise eligible. 871 IAC 24.28.

Since the claimant's weekly benefit amount on his March 22, 2009 claim was \$289.00, to requalify and be eligible to receive benefits the claimant must earn and be paid a minimum of \$2,980.00 in wages after February 24, 2009, the date of his employment separation. As of April 8, 2010, the claimant had earned \$2,684.00 since February 24, 2009. He needs an additional \$296.00 in wages from insured employment to requalify for benefits.

Since the April 8 hearing took place, the record indicates a decision was issued on April 19 or 20, 2010 that held the claimant was disqualified from receiving benefits based on an employment separation from Express Services. If the claimant does not appeal this decision, this means he would have to earn another \$3,740.00 in wages after his employment with Express Services ended to again requalify to receive benefits.

**DECISION:**

The March 31, 2010 decision (reference 01) is affirmed. As of April 8, 2010, the claimant has not requalified to receive benefits because he had not earned ten times his weekly benefits amount or \$2,980.00 in wages since February 24, 2009.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs