

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL L OSBORN
Claimant

APPEAL NO: 11A-UI-09735-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/03/11

Claimant: Appellant (1)

Section 96.4-4 – Second Benefit Year Qualification

STATEMENT OF THE CASE:

Michael J. Osborn (claimant) appealed a representative's July 13, 2011 decision (reference 01) that concluded the claimant was not eligible to receive unemployment insurance benefits for a second benefit year because the claimant had not been paid insured wages of at least \$250.00. After a hearing notice was mailed to the claimant's last-known addresses of record, a telephone hearing was held on August 16, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant is eligible to receive unemployment insurance benefits for a second benefit year?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits for a claim year beginning July 4, 2010, ending July 3, 2011. Upon expiration of the 2010 claim year he filed a subsequent claim effective July 3, 2011. While the claimant may have received a wage payment from his prior employer after July 3, this was not for work performed after July 3. After July 3, 2010 the claimant has not worked or earned wages in excess of \$250.00.

REASONING AND CONCLUSIONS OF LAW:

If an individual has drawn benefits in any benefit year, the individual must, during or subsequent to that year, work in and be paid wages totaling at least \$250.00 as a condition to receive benefits in the next benefit year. Iowa Code § 96.4-4

The evidence shows that the claimant has not worked and earned at least \$250.00 in employment since July 3, 2010. He is therefore not eligible for regular unemployment insurance benefits in a second benefit year.

This does not mean that the claimant is not eligible for emergency unemployment compensation (EUC) benefits under his 2010 claim year. In fact, if the claimant had regular unemployment insurance benefit eligibility under a 2011 claim year, he would need to exhaust that benefit eligibility before he could receive further EUC benefits under his 2010 claim year.

DECISION:

The representative's July 13, 2011 decision (reference 01) is affirmed. The claimant is currently not entitled to receive regular unemployment insurance benefits during the subsequent claim year beginning July 3, 2011.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs