

**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**

**MICHAEL K CLANCY
214 IROQUOIS TRL
EAST DUBUQUE IL 61025-9534**

**CITY OF DUBUQUE
ATTN PERSONNEL DEPT
50 W 13TH ST
DUBUQUE IA 52001-4864**

**Appeal Number: 06A-UI-03520-AT
OC: 02/26/06 R: 04
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 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Michael K. Clancy filed a timely appeal from an unemployment insurance decision dated March 16, 2006, reference 01, which denied benefits to him. After due notice was issued, a telephone hearing was held April 18, 2006, with Mr. Clancy participating and presenting additional testimony by Peggy Ginter and Sue Gahle. Parking Division Manager Tim Horsfield participated on behalf of the employer, City of Dubuque. This matter is considered on a consolidated record with 06A-UI-03566-AT in which the claimant is Alice M. Wolf and the employer is City of Dubuque. Exhibits A and B were admitted into evidence.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Michael K. Clancy has been a part-time employee of the City of Dubuque since August 26, 2004. He works as a cashier at parking ramps owned by the city. Due to extensive repair, his hours have been reduced significantly through no fault of his own.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Clancy is eligible to receive unemployment insurance benefits. He is. Iowa Code section 96.4-3 requires, first of all, that a claimant for unemployment insurance benefits be able to establish that he or she is totally or partially unemployed through no fault of his or her own. The evidence in this record establishes that Mr. Clancy's part-time hours have been significantly reduced because of repair work being done at the parking ramps at which he works. This reduction of hours is not his fault. Benefits are allowed.

DECISION:

The unemployment insurance decision dated March 16, 2006, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

cs/pjs