

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANA K WILLIAMS
Claimant

APPEAL NO. 06A-UI-09380-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US POSTAL SERVICE
Employer

OC: 08/20/06 R: 04
Claimant: Respondent (1)

Section 20 CFR 609.14 – Federal Employers

STATEMENT OF THE CASE:

US Postal Service (USPS) filed an appeal from a representative's decision dated September 14, 2006, reference 08, which held that Diana Williams had requalified for job insurance benefits but denied the employer a relief from benefit charges. After due notice was issued, a hearing was held by telephone on October 4, 2006. The employer participated by Jim Rangel, Supervisor, and Jerry Ward, Delivery Supervisor. Ms. Williams did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether USPS can be relieved of charges for benefits paid to Ms. Williams.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Williams voluntarily quit her employment with USPS, a Federal employer, on or about January 18, 2006. She was employed as an on-call mail carrier. After her separation from USPS, she worked for a different employer from February 13 through August 24, 2006. Ms. Williams earned sufficient wages in her subsequent employment to requalify for job insurance benefits prior to filing her claim effective August 20, 2006.

REASONING AND CONCLUSIONS OF LAW:

Ms. Williams voluntarily quit her employment with USPS but requalified for benefits prior to filing her claim effective August 20, 2006. Ordinarily, the employer who was quit would be relieved of charges for benefits. See Iowa Code section 96.5(1)g. However, USPS is a Federal employer and is subject to the provisions of 20 CFR 609.14. The Department of Labor determines the amount a state is to receive each month for those claimants who have Federal wages in the base period of the claim. The Department of Labor can alter the monthly amount if it finds that the estimates for a prior month were more or less than the amount that should have been paid. Any funds that are paid but not used are to be returned to the United States Treasury and credited to the applicable appropriation, fund, or account from which the payment was made.

The administrative law judge interprets this to mean that any reduction in the employer's liability will be adjusted by the Department of Labor. As such, the employer is not directly relieved of charges.

For the reasons stated herein, the administrative law judge concludes that Ms. Williams is entitled to job insurance benefits because she requalified after her separation from USPS. If she had not been a Federal employee, the employer would be relieved of charges pursuant to Iowa Codes sections 96.7(2)a(2). The employer has cited no comparable Federal regulation or statute that would warrant a relief of charges for USPS.

DECISION:

The representative's decision dated September 14, 2006, reference 08, is hereby affirmed. Benefits are allowed, provided Ms. Williams satisfies all other conditions of eligibility. The Federal employer cannot be relieved of charges herein.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs