

BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319

RONALD SMITH

Claimant

and

PRAIRIE MEADOWS RACETRACK &  
CASIN

Employer

:  
:  
: HEARING NUMBER: 20BUI-08882  
:  
:

EMPLOYMENT APPEAL BOARD  
DECISION

NOTICE

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION:** 96.5-1

D E C I S I O N

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

**The Board finds the following additional facts:**

This Claimant worked only part-time for the Employer.

The records of the Department establish the following uncontested monetary record for this Claimant. The original claim date in this case is October 20, 2019. This makes the Claimant's base period the third quarter of 2018, the fourth quarter of 2018, the first quarter of 2019, and the second quarter of 2019. The Claimant has the following wages in that period:

	Q3, 2018	Q4, 2018	Q1, 2019	Q2, 2019
Cays, Inc	\$8,990.00	\$3,430.00		
Precise Fit		\$1,518.00	\$2,420.00	
NTT Data Sv			\$1,600.00	\$9,625.00
Prairie Med				\$1,760.00

The Claimant worked part-time for Prairie Meadows and quit that job on June 14, 2019. He filed for benefits in October, and Iowa Workforce issued a disqualification decision on November 8, 2019.

**The Board adds the following to the Reasoning and Conclusions of Law:**

Workers who are disqualified for a separation from part-time supplemental work may be eligible to receive reduced unemployment insurance benefits, provided they have sufficient wage credits from other employers to be monetarily eligible and provided they are otherwise eligible. Iowa Code §96.5(12). In no event will such an employer's account be assessed for benefits paid to the claimant. Further, wage credits accrued during the employment (if any) shall not be considered in determining benefits for the claimant until the claimant has worked in an been paid for insured work equal to ten times his weekly benefit amount.

As we have found the Claimant's work with Prairie Meadow was part-time work. Given these wage records it was clearly supplemental. His quit disqualification, which we have today affirmed, should only disqualify him from drawing on the wage credits earned at Prairie Meadows.

Our calculations indicate that the Claimant remains monetarily eligible if the Prairie Meadows wages are excluded from his base period. Specifically, it appears that his weekly benefit amount will decrease from \$481 to \$418 and that his maximum benefit amount will decrease from \$9,781.00 to \$9,194.33. But he will be able to draw benefits as limited by these amounts. If he requalifies following his quit at Prairie Meadows then the amounts for this benefit year will be restored. Although we can do the calculation we nevertheless we will refer the matter to Iowa Workforce to make the official calculation. Again, one way or the other, the Employer will not be charged.

The decision of the Administrative Law Judge is **MODIFIED IN THE CLAIMANT'S FAVOR**. The Claimant is allowed benefits to the extent that he is eligible based on credits earned with other employers, and only denied the ability to draw on credits earned with Prairie Meadows. He must, of course, be otherwise eligible and have no disqualification or claim lock resulting from issues unrelated to his separation from Prairie Meadows.

Accordingly, the Board also **REFERS** this matter to the Iowa Workforce Development, Benefits Bureau to address whether the Claimant is otherwise eligible for benefits based on wage credits other than those from Prairie Meadows, and if so then for a recalculation of benefits payable based on this decision.

The Claimant should continue to file weekly claims in the meanwhile.

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Kim D. Schmett

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Ashley Koopmans

James M. Strohman

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RRA/ss