

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

HANNAH E POE
Claimant

APPEAL 19A-UI-10135-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DEPARTMENT OF THE ARMY
Employer

OC: 12/01/19
Claimant: Appellant (1)

5 USC § 8521(a)(1) – Eligibility for Unemployment Compensation for Ex-service Members (UCX)

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the December 9, 2019 (reference 01) decision that denied UCX benefits. After due notice was issued, a hearing was held on January 16, 2020. Claimant participated. Employer participated through Melody Karcz, UCX Liaison.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was on active duty as a National Guard soldier attending basic training and AIT beginning on May 21, 2019 through September 14, 2019. After claimant completed her training she was released from active duty and sent home.

Claimant was employed as a full-time soldier for 117 days. She was later discharged from the military after she returned home.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant does not meet the criteria to be entitled to receive UCX benefits.

5 U.S.C. 8521(a)(1) provides:

(a) For the purposes of this subchapter--

(1) "Federal service" means active service (not including active duty in a reserve status unless for a continuous period of 180 days or more) in the armed forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration if with respect to that service—

(A) the individual was discharged or released under honorable conditions (and, if an officer, did not resign for the good of the service); and

(B)(i) the individual was discharged or released after completing his first full term of active service which the individual initially agreed to serve, or

(ii) the individual was discharged or released before completing such term of active service--

(I) for the convenience of the Government under an early release program, (II) because of medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability, (III) because of hardship (including pursuant to a sole survivorship discharge, as that term is defined in section 1174(i) of title 10), or (IV) because of personality disorders or inaptitude but only if the service was continuous for 365 days or more.

Because the claimant was on full-time active duty for less than 180 days she does not meet the entitlement criteria for UCX benefits.

DECISION:

The December 9, 2019 (reference 01) decision is affirmed. The claimant is not eligible to receive UCX benefits.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/scn