

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TREVOR C LANE**  
Claimant

**DEPARTMENT OF THE NAVY**  
Employer

**APPEAL 20A-UI-03663-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (1)**

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5 USC § 8521(A)1 – UCX – Military separation/eligibility

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the April 13, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on May 22, 2020, at 8:00 a.m. Claimant participated. Employer participated through Hailey Glasco, UCX Liaison. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant's separation from the military meets the criteria for entitlement to UCX benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began his enlistment with the Department of the Navy on November 22, 2017. Claimant was discharged on March 23, 2020. Per Claimant's DD Form 214, claimant received a general discharge and the reason for separation is "misconduct – serious offense." (Exhibit A) Claimant completed two years, four months and two days of his four-year enlistment period.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant does not meet the criteria for entitlement to UCX benefits. Benefits are denied.

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.

Claimant did not receive an honorable discharge and did not complete his first full term of active service as agreed upon at enlistment. Therefore, claimant does not meet the criteria for receipt of UCX benefits.

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

**DECISION:**

The April 13, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant is not eligible to receive UCX benefits.



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Administrative Law Judge  
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May 27, 2020  
Decision Dated and Mailed

acw/mh