

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY E MARCHANT
Claimant

APPEAL NO. 07A-UCFE-00015-C

**ADMINISTRATIVE LAW JUDGE
DECISION**

DEPT OF VETERANS AFFAIRS
Employer

**OC: 02/04/07 R: 02
Claimant: Appellant (1)**

Section 96.5(5)c – Pension Benefits

STATEMENT OF THE CASE:

Randy Marchant filed an appeal from a representative's decision dated March 27, 2007, reference 03, which advised that his benefits would be reduced because of his receipt of a pension. After due notice was issued, a hearing was held on April 30, 2007 in Des Moines, Iowa. Mr. Marchant participated personally. The employer participated by Sabrina Owens, Assistant Chief of Human Resources.

ISSUE:

At issue in this matter is whether Mr. Marchant's pension should be deducted from his job insurance benefits.

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: Mr. Marchant retired from the Department of Veteran's Affairs (VA) effective February 1, 2007. The United States Office of Personnel Management notified him that he was eligible to receive a monthly retirement benefit of \$870.00 as of February 1, 2007. The retirement fund is contributed to by both the worker and the employer. The VA is Mr. Marchant's only base period employer on his claim for job insurance benefits filed effective February 4, 2007.

REASONING AND CONCLUSIONS OF LAW:

Iowa law requires that retirement benefits be deducted from an individual's job insurance benefits if the retirement benefit is based on contributions by a base period employer. The VA is Mr. Marchant's only base period employer and did contribute to the fund from which he is paid retirement benefits. Therefore, pursuant to Iowa Code section 96.5(5)c, the retirement benefits received by Mr. Marchant are deductible from his job insurance benefits.

Mr. Marchant's monthly retirement benefit has been converted to a weekly amount. Workforce Development has determined that \$84.32 is to be deducted from his job insurance benefits each week.

DECISION:

The representative's decision dated March 27, 2007, reference 03, is hereby affirmed. Mr. Marchant's job insurance benefits are to be reduced each week due to his receipt of retirement benefits contributed to by VA.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs