

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

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**RICHARD L AUGUSTINE**

Claimant

and

**AMAZON COM SVCS INC**

Employer

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**HEARING NUMBER: 21B-UI-10494**

**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**

**DECISION**

**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**:

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 shall not be considered in determining benefits for the claimant until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount.

Here the Claimant's job was part-time supplemental employment. We thus affirm the decision, but with the modification that the only effect of *today's* decision is that the Claimant will not be able to draw on wage credits with this Employer until he worked in, and has been paid wages in covered wages since January 5, 2020.

We note, however, that the Claimant appears to have been disqualified over another issue earlier in the process as decided in case 19A-UI-08682 back in January of 2020. As a result of that decision the claim remained locked throughout the claim year that ended in September of 2020. What this means is that today's decision will do nothing to release back benefits, because the final decision in 19A-UI-08682 kept the claim locked for the life of the 2019-2020 claim. Thus while we modify the decision today to remove wage credits, rather than place a lock on the claim, it does appear back benefits will **not** be released based on this prior outcome.

**DECISION:**

The decision of the Administrative Law Judge is **MODIFIED IN THE CLAIMANT'S FAVOR**. The Claimant is not denied benefits because of the quit from Amazon.com, but Claimant is only denied the ability to draw on credits earned with Amazon.com until Claimant works in and is paid wages equal to ten times the Claimant's weekly benefit amount since January 5, 2020. Amazon will not be charged. Today's decision does **not** alter the claim lock that resulted from 19A-UI-08682.

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James M. Strohman

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Ashley R. Koopmans

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Myron R. Linn

AMG/fnv