

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

DIANE L JOHNSON

Claimant

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HEARING NUMBER: 16B-UI-05775

**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: 96.3-7

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. 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**.

The Employment Appeal Board would note that the claimant worked part time for the Employer. Workers who are disqualified from part-time work based on the nature of the separation 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. *Irving v. EAB*, No 15-0104 (Iowa 6/3/2016). In no event will this 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 an been paid for insured work equal to ten times her weekly benefit amount.

Accordingly the Board also sends this matter to the Iowa Workforce Development, Benefit Bureau to address whether the Claimant is otherwise eligible for benefits based on other wage credits, and if so then for a recalculation of any overpayment amount based on this decision.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv