

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JAY CHRIS WEHRMAN
400 N 2ND AVE E APT 4
NEWTON IA 50208**

**NEWTON COUNTRY CLUB
PO BOX 652
NEWTON IA 50208-0652**

**Appeal Number: 05A-UI-11374-AT
OC: 10-16-05 R: 02
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Jay Chris Wehrman filed a timely appeal from an unemployment insurance decision dated November 3, 2005, reference 01, which held him ineligible for unemployment insurance benefits. After due notice was issued, a telephone hearing was held November 21, 2005 with Mr. Wehrman participating. Clubhouse Manager Ashley Swank participated for the employer, Newton Country Club.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jay Chris Wehrman has been employed by Newton

Country Club as a housekeeper and light maintenance worker since 1997. He had been working 40 hours per week at \$9.10 per hour. Effective October 1, 2005 his hours were reduced to 20 per week and his rate of pay reduced to \$7.00 per hour. His weekly benefit amount for unemployment insurance purposes is \$210.00.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that Mr. Werhman is eligible for unemployment insurance benefits. It does.

Iowa Code section 96.4-3 requires first of all that an individual be unemployed in order to receive unemployment insurance benefits. An individual is defined as partially unemployed in Iowa Code section 96.19-38-b. One who is partially unemployed works less than his or her regular full time week and earns less than his or her weekly benefit amount plus \$15.00. The evidence here establishes that Mr. Werhman is working reduced hours and is grossing less than the sum of his weekly benefit amount plus \$15.00. Therefore, he meets the definition of being a partially unemployed individual. Benefits are allowed.

DECISION:

The unemployment insurance decision dated November 3, 2005, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

kkf/kjw