

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA E AGUIRRE CHAVEZ
Claimant

APPEAL NO: 12A-UI-03269-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GLOBAL FOODS PROCESSING INC
Employer

**OC: 04/17/11
Claimant: Respondent (4)**

Iowa Code § 96.19(38)b – Partially Unemployed

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's March 28, 2012 determination (reference 06) that held the claimant eligible to receive partial benefits and the employer's account subject to charge. The employer appealed because the determination stated the employer's account was subject to charge when the employer is not a base period employer.

The claimant did not respond to the hearing notice or participate in the hearing. Barbara Ruhler, the human resource manager, appeared on the employer's behalf. The employer did not object to a decision being based on the information in the administrative record. Therefore, based on the administrative record and the law, the administrative law judge concludes the claimant is eligible to receive partial benefits as of February 5, 2012, but the employer's account will not be charged during the claimant's current benefit year.

ISSUE:

During the claimant's current benefit year, is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of April 17, 2011. Based on the wage credits in her base period, the claimant was eligible to receive a maximum weekly benefit amount of \$358.00. The employer is not one of the claimant's base period employers.

The claimant started working for the employer on February 6, 2012. She filed claims for the weeks ending February 11 through March 17, 2012. She reported her gross wages each week. For each of these weeks, the claimant's gross weekly wage was less than \$373.00. She received partial benefits for these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is partially unemployed when she works less than full time and earns less than her maximum weekly benefit amount plus \$15.00. Iowa Code § 96.19((38)b).

In this case, the claimant did not start working for the employer until February 6, 2012. For the weeks ending February 11 through March 17, 2012, the claimant is eligible to receive partial benefits because she earned gross weekly wages of less than \$373. The employer is not one of the claimant's base period employers. Therefore, the employer's account will not be charged during the claimant's current benefit year.

If the claimant establishes a new benefit year at some future date, the employer will receive a notice of claim informing the employer what their potential maximum charge, if any, would be charged to its account at that time. The employer then could protest any charges against its account.

DECISION:

The representative's March 28, 2012 determination (reference 06) is modified in the employer's favor. The claimant is eligible to receive partial benefits as of February 5, 2012, when she earns less than \$373.00 in gross weekly wages. The claimant is eligible to receive partial benefits for the weeks ending February 11 through March 17, 2012. The employer is not one of the claimant's base period employers. During her current benefit year, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css