

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER J LANG
Claimant

APPEAL NO. 09A-UI-10418-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ART PAPE TRANSFER INC
Employer

OC: 12/21/08
Claimant: Appellant (2R)

Section 96.4-3 – Eligibility for Benefits
Section 96.19-38-b – Partial Unemployment

STATEMENT OF THE CASE:

Christopher J. Lang filed a timely appeal from an unemployment insurance decision dated July 15, 2009, reference 02, that denied benefits to him effective June 7, 2009. After due notice was issued, a telephone hearing was held August 5, 2009 with Mr. Lang participating. Safety Director Tom Cloos participated for the employer, Art Pape Transfer, Inc.

ISSUE:

Was the claimant eligible for partial unemployment insurance benefits for the week of June 7 through June 13, 2009?

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: During the week ending June 13, 2009, Christopher J. Lang, a driver for Art Pape Transfer, Inc., was given a single load. He repeatedly asked for more but no other loads were available during that week. His gross earnings for the week turned out to be \$205.00. In good faith Mr. Lang reported \$105.00 when filing his claim for benefits for that week. He received unemployment insurance benefits in an amount less than his full weekly benefit amount based upon his estimate of his total earnings. Mr. Lang returned to full employment the next week.

The employment ended in late July 2009. A fact-finding interview concerning the unemployment insurance consequences of that separation will be scheduled by the Unemployment Insurance Services Division.

REASONING AND CONCLUSIONS OF LAW:

The question for the administrative law judge in this case is whether Mr. Lang is eligible to receive unemployment insurance benefits for the week ending June 13, 2009. The

administrative law judge concludes that Mr. Lang meets the definition of being partially unemployed during that week. He worked fewer than his regular hours and earned less than the sum of his weekly benefit amount plus \$15.00. He demonstrated his availability for work by repeatedly calling the employer to see if more work was available. Benefits are allowed.

Mr. Lang reported a good faith but inaccurate estimate of his total gross earnings for the week when he filed his claim for unemployment insurance benefits. The question of his actual monetary eligibility is remanded to the Unemployment Insurance Services Division.

DECISION:

The unemployment insurance decision dated July 15, 2009, reference 02, is reversed. The claimant is entitled to receive partial unemployment insurance benefits for the week ending June 13, 2009. Calculation of the amount payable to Mr. Lang is remanded to the Unemployment Insurance Services Division.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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