

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNN L KIELER
Claimant

APPEAL NO. 12A-UI-05716-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY HOSPITAL
Employer

OC: 01/15/12
Claimant: Appellant (4)

Section 96.5-5(a) – Deductible Pension

STATEMENT OF THE CASE:

Lynn L. Kieler filed a timely appeal from an unemployment insurance decision dated May 11, 2012, reference 04, that ruled she was receiving a pension from base period employer Mercy Hospital and that the weekly pension amount exceeded her unemployment insurance weekly benefit amount. After due notice was issued, a telephone hearing was held July 5, 2012. Joe Younker, Attorney at Law, appeared on behalf of the employer. Worker's Compensation and Pension Specialist Karen Kesselring testified. Ms. Kieler participated on her own behalf.

ISSUE:

Is the claimant receiving a deductible pension?

FINDINGS OF FACT:

Lynn L. Kieler is receiving a monthly pension of \$714.70 from Mercy Hospital, her sole base period employer. All contributions to the pension fund came from the employer. Rounded to the nearest dollar, the weekly amount of the pension is \$165.00. Ms. Kieler's weekly benefit amount for unemployment insurance purposes is \$385.00.

REASONING AND CONCLUSIONS OF LAW:

The issue raised in this appeal is whether the weekly amount of Ms. Kieler's pension exceeds her unemployment insurance weekly benefit amount. It does not. The unemployment insurance weekly benefit amount is \$220.00 higher. Ms. Kieler is potentially eligible to receive the \$220.00 per week should she become eligible for benefits during her present benefit year. The decision in this hearing does not affect an earlier ruling that Ms. Kieler does not meet general eligibility requirements. She is not requesting or receiving unemployment insurance benefits at this time.

DECISION:

The unemployment insurance decision dated May 11, 2012, reference 04, is modified. The claimant is receiving deductible pension benefits in the amount of \$165.00 per week which must be deducted from the claimant's weekly benefit amount for all weeks that she would otherwise be eligible for benefits.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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