BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

RAYMOND L LEE

HEARING NUMBER: 15B-UI-02262

Claimant

.

and

EMPLOYMENT APPEAL BOARD DECISION

JOSEPH L ERTL INC :

Employer

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: 96.4-3, 24.22-1

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. With the following modification, 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** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law as follows:

The Claimant is not able and available from January 25, 2015 through February 13, 2015 when he exhausted his FMLA. However, because he has continued his part-time work with another employer, and Joseph L. Ertl, Inc. has no work available so long as he has not been fully released to return to work, this matter must be remanded for a determination as to whether he is still considered not able and available for

work in light	t of what	appears t	to be his	partial	unemployment.	In	addition,	this	matter	is	also	being
remanded on	the issue of	of whether	the Clair	nant ha	s been separated	from	this empl	oyer.				

	Kim D. Schmett	
	Ashley R. Koopmans	
AMG/fnv	James M. Strohman	

Copies to:

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NICHOLAS L SCHAULL ATTY (C) 2423 INGERSOLL AVE DES MOINES IA 50312-5233

DATED AND MAILED_____

JOSEPH L ERTL INC PO BOX 327 DYERSVILLE IA 52040