

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

KENNETH J DOMBROWSKI
623 N 5TH ST
WINTERSET IA 50273

KUM & GO
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-03402-AT
OC: 10-26-03 R: 02
Claimant: Respondent (1)

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:

Kum & Go filed a timely appeal from an unemployment insurance decision dated March 19, 2004 reference 04 which allowed benefits to Kenneth J. Dombrowski upon a finding that he was partially unemployed because he was working a reduced work week. After due notice was issue, a telephone hearing was held April 8, 2004 with Mr. Dombrowski participating. General Manager Greg Trulson participated for the employer.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all the evidence in the record, the administrative law judge finds: Kenneth J. Dombrowski has been employed by

Kum & Go since October 2003. He was initially hired full-time but has been reduced to part-time hours since Greg Trulson became general manager of the store in early 2004. He works fewer than full-time hours at this time.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Dombrowski is eligible for unemployment insurance benefits. Iowa Code Section 96.4-3 establishes the eligibility requirements. The first requirement is that an individual be unemployed. The Employment Security Law provides that an individual may be totally unemployed or partially unemployed. A partially unemployed individual is one who works less than his or her regular full-time work and who earns less than the sum of his weekly benefit amount plus \$15.00.

The evidence in this record establishes that Mr. Dombrowski was hired to be a full-time employee but that his hours have been reduced. Thus, he meets the first part of the test for being partially unemployed. The second part of the test is determined week-by-week. Mr. Dombrowski's weekly benefit amount is \$197.00. During weeks in which he is scheduled for so few hours that his gross earnings for the calendar week are less than \$212.00, he will be eligible for unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated March 19, 2004 reference 04 is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

sb/b