

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

THOMAS E STANFIELD

Claimant

and

CASEY'S MARKETING COMPANY

Employer

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HEARING NUMBER: 17B-UI-11431

**EMPLOYMENT APPEAL BOARD
DECISION**

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, 24.23-26

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. 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**.

We have referred to the Benefits Bureau the issue of whether the Claimant should be paid Training Extension Benefits through November 5, 2016 as previously ruled by the Department. However that issue may be resolved, our ruling today is that regular benefits are not allowed on the current claim. This is because the Claimant cannot be considered partially unemployed by Casey's Marketing Company as that company is now the main employer in the Claimant's base period and he is still working for them. Since he is not working on a reduced basis different from the contract of hire, he cannot collect benefits based on the 9/18/16 claim at this time. This is so even though he has the status of being on Department Approved Training. DAT does not guarantee benefits, and while one on DAT need not be looking for work, one still must be unemployed. We caution the Claimant that if he were to quit Casey's so that he could be unemployed, he would not be able to collect benefits since without the wages at Casey's he does not have enough wages in his base period to be eligible for benefits. This fact is the fundamental reason why benefits are denied at this point: his only qualifying wages are with Casey's and he is not unemployed from Casey's.

Nevertheless the Department issued a decision approving Training Extension Benefits through 11/5/16 and those benefits appear to have ceased before that time. We conclude that the Department should issue a decision addressing whether this treatment of the TEB is correct, and explaining the decision to allow or deny the previously allowed Training Extension Benefits.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

RRA/fnv