

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

STEPHANIE L FLORYANCIC

Claimant

and

QPS EMPLOYMENT GROUP INC

Employer

HEARING NUMBER: 17BUI-09100

EMPLOYMENT APPEAL BOARD
DECISION

N O T I C E

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: 96.5-1-J

D E C I S I O N

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 WITH THE FOLLOWING MODIFICATION IN THE CLAIMANT'S FAVOR.**

The Claimant worked part time for the Employer. Workers who are disqualified from part-time work based on the nature of the separation may be eligible to receive reduced unemployment insurance benefits, provided they have sufficient wage credits from other employers to be monetarily eligible and provided they are otherwise eligible. *Irving v. EAB*, 883 N.W.2d 179 (Iowa 2016). Although this result may be altered by the recently enacted changes of House File 533, that law is not in effect until July 2, 2017, and in the meanwhile we follow *Irving*. In no event will this Employer's account be assessed for benefits paid to the Claimant on the current claim. Further, wage credits accrued during the employment with this Employer shall not be considered in determining benefits for the Claimant until the Claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount.

Specifically, the agency record shows the following wage credits in the base period:

Employer	Q2 of 16	Q3 of 16	Q4 of 16	Q1 of 17	Credits
#129166	0.0	3504.85	4765.02	4527.02	4265.63
QPS	3371.20	1576.96	0.0	0.0	1649.38
#545646	2005.91	0.0	0.0	0.0	668.64
Totals:	5377.11	5081.81	4765.02	4527.02	6583.65

With two dependents the Claimant's weekly benefit amount was \$256. Since 26 weeks of benefits at this rate exceeds the wage credits the Claimant had a maximum benefit amount of \$6583.65. This means with the credits a QPS counting the Claimant could draw at *most* \$256 a week, and she could do so only until she had drawn *at most* \$6,583.65. Since we are affirming the disqualification from the part-time job at QPS we will disqualify her for those credits only. This means we remove the QPS line from the wage record and recalculate:

Employer	Q2 of 16	Q3 of 16	Q4 of 16	Q1 of 17	Credits
#129166	0.0	3504.85	4765.02	4527.02	4265.63
#545646	2005.91	0.0	0.0	0.0	668.64
Totals:	2005.91	3504.85	4765.02	4527.02	4934.27

With this modification the Claimant is **allowed benefits** with a weekly benefit amount of \$227, and a maximum benefit amount of \$4,934.27. So, to be clear, the Claimant is not allowed to draw on the wages earned at QPS until she has worked in and been paid wages in excess of \$2,560 following her June 27, 2017 separation from QPS. Once she does so, her maximum and weekly benefit amounts will be restored to \$6583.65 for the maximum, and \$256 for the weekly. *In the meantime*, the Claimant's claim is **unlocked** and she will be able to draw benefits with a \$4,934.27 maximum benefit and a \$227 weekly benefit amount. QPS' account will not be charged for any benefits paid before requalification, nor for any paid after requalification, if requalification occurs.

Iowa Workforce, Benefits Bureau is hereby directed to unlock the claim, and to pay benefits as set out in this decision.

Kim D. Schmett

Ashley R. Koopmans

RRA/fnv

James M. Strohman