

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MICHAEL R DONATSCH**  
Claimant

**APPEAL 20A-UI-07566-AD-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FBG SERVICE CORPORATION**  
Employer

**OC: 04/26/20**  
**Claimant: Respondent (4)**

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Iowa Code § 96.7(2)a(2) – Charges – Same base period employment

**STATEMENT OF THE CASE:**

On July 9, 2020, FBG Service Corporation (employer/appellant) filed a timely appeal from the Iowa Workforce Development decision dated June 29, 2020 (reference 01) that found claimant able to and available for work.

A telephone hearing was held on August 11, 2020. The parties were properly notified of the hearing. Claimant did not register a number for the hearing and did not participate. Employer participated by Hearing Representative Thomas Kuiper and HR Manager Tajia Schwertman.

Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Is the claimant still employed at the same hours and wages? Is the employer's account subject to charge?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer on June 21, 2009. Claimant is still employed by employer as a part-time cleaning specialist, working primarily on evenings and weekends. He worked most recently on August 8, 2020. There have been no recent changes in his hours or pay and he has not taken a recent leave of absence or been laid off.

Claimant does have another job and employer believes claimant's reason for filing is related to that employment. However, employer is unsure of the details of that employment. The administrative record shows claimant earned approximately \$8,000.00 from another employer during the base period. It does not appear that other employer protested claimant's claim or that a decision has been issued with regard to that employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the decision dated June 29, 2020 (reference 01) that found claimant able to and available for work is MODIFIED in favor of appellant.

Iowa Code section 96.7(2)a(2) provides:

2. Contribution rates based on benefit experience.

a. (2) The amount of regular benefits plus fifty percent of the amount of extended benefits paid to an eligible individual shall be charged against the account of the employers in the base period in the inverse chronological order in which the employment of the individual occurred.

(a) However, if the individual to whom the benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during the individual's base period, benefits paid to the individual shall not be charged against the account of the employer. This provision applies to both contributory and reimbursable employers, notwithstanding subparagraph (3) and section 96.8, subsection 5.

Claimant is still employed by employer in the same way. Employer's account is therefore not subject to charge. Claimant is still monetarily eligible for benefits based on wages from his other employer.

**DECISION:**

The decision dated June 29, 2020 (reference 01) that found claimant able to and available for work is MODIFIED in favor of appellant. Because claimant is still employed by employer in the same way, employer's account is not subject to charge. Claimant remains monetarily eligible for benefits based on wages from his other employer.



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August 21, 2020  
Decision Dated and Mailed

abd/sam