

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**SHAWN S CLEWELL**  
Claimant

**APPEAL NO. 13A-UI-04757-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RIVERSIDE PLATING LC**  
Employer

**OC: 03/10/13**  
**Claimant: Appellant (1)**

Section 96.19-38-b Eligibility for Partial Unemployment Insurance Benefits

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated April 19, 2013, reference 01, that concluded he was not eligible for unemployment insurance benefits. A telephone hearing was held on May 30, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Tim DeVilbiss participated in the hearing on behalf of the employer.

**ISSUE:**

Is the claimant eligible for partial unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant has worked part time for the employer since August 2012. He works approximately 25 hours per week at a rate of pay of \$10.00 per hour.

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 10, 2013. His weekly benefit amount was determined to be \$112.00.

The claimant has not had any weeks where his earnings were less than his earnings allowance of \$127.00 (\$112.00 plus \$15.00).

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.19-38-b provides in part:

b. An individual shall be deemed partially unemployed in any week in which, while employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

The claimant is not entitled to partial unemployment insurance benefits since his earnings were never less than his weekly benefit amount plus \$15.00.

**DECISION:**

The unemployment insurance decision dated April 19, 2013, reference 01, is affirmed. The claimant is not eligible for benefits effective March 10, 2013.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/pjs