

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

JESSE W KIDWELL  
1813 GLEASON AVE  
IOWA CITY IA 52240

CFA INC  
1902 BROADWAY ST  
IOWA CITY IA 52240-7001

Appeal Number: 04A-UI-01439-CT  
OC: 01/25/04 R: 03  
Claimant: Appellant (3)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)g – Voluntary Quit Requalification

STATEMENT OF THE CASE:

Jesse Kidwell filed an appeal from a representative's decision dated February 4, 2004, reference 01, which held that the matter of his April 15, 2003 separation from CFA, Inc. had been adjudicated on a prior claim and remained in effect. Due notice was issued scheduling the matter for a telephone hearing to be held on March 2, 2004. Neither party responded to the notice of hearing.

#### FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: Mr. Kidwell filed a claim for job insurance benefits effective January 12, 2003. A decision was mailed to his last known address of record on May 29, 2003. The decision disqualified him from receiving benefits based on his April 15, 2003 separation from CFA, Inc. The decision became final when there was no appeal filed by the June 8, 2003 deadline. The decision has been affirmed in Appeal 04A-UI-01438-CT based on the fact that no timely appeal was filed.

Mr. Kidwell subsequently returned to work for CFA, Inc. and has wages of \$580.00 during the third quarter of 2003 and \$1,791.00 during the fourth quarter of 2003. His weekly job insurance benefit amount at the time of the disqualification was \$96.00. Mr. Kidwell filed his current claim effective January 24, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the subject of Mr. Kidwell's April 15, 2003 separation from CFA, Inc. has been previously adjudicated. The matter was adjudicated on his previous claim filed effective January 12, 2003. The decision disqualifying him from receiving benefits based on that separation became a final decision in the absence of a timely appeal. Therefore, the decision stands.

Mr. Kidwell has requalified for job insurance benefits since his disqualifying separation of April 15, 2003. He has earned at least ten times his weekly job insurance benefit amount of \$96.00 since the April 15 separation. Therefore, the April 15 disqualifying separation is no longer a bar to his receipt of job insurance benefits. See Iowa Code Section 96.5(1)g.

#### DECISION:

The decision of the representative dated February 4, 2004, reference 01, is modified. The matter of Mr. Kidwell's April 15, 2003 separation from CFA, Inc. was previously adjudicated on a prior claim. He has requalified for benefits subsequent to the separation. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjf