

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KYLE R GEARY
Claimant

APPEAL 21A-UI-10993-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING INC
Employer

OC: 05/10/20
Claimant: Appellant (4)

Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

STATEMENT OF THE CASE:

Claimant filed an appeal from the January 26, 2021 (reference 04) decision that denied benefits. After due notice was issued, a hearing was scheduled to be held on July 7, 2021. The claimant did not answer the phone number provided at the time of the hearing. The employer's representative was present and prepared to proceed. However, because the issue appealed is resolved administratively in claimant's favor without prejudice to the employer, no testimony is necessary and no hearing is necessary.

ISSUE:

Has the claimant requalified for benefits since the separation from this employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has requalified for benefits since the separation from this employer, Sedona Staffing, Inc. (account number 237958-000), and since the prior claim year separation decision. Claimant's wage records show that he has earned insured wages of at least ten times his weekly benefit amount since separating from this employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has requalified for benefits.

Iowa Code § 96.5(1)g provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed, provided claimant is otherwise eligible, and the account of the employer (account number 237958-000) shall not be charged.

DECISION:

The January 26, 2021 (reference 04) unemployment insurance decision is modified in favor of the appellant. The claimant has requalified for benefits since the separation and since the prior claim year separation decision. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 237958-000) shall not be charged.



Alexis D. Rowe
Administrative Law Judge

July 15, 2021
Decision Dated and Mailed

ar/kmj