

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRYCE W ORCUTT
Claimant

SEDONA STAFFING INC
Employer

APPEAL 21A-UI-01524-DG-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 10/13/19
Claimant: Respondent (4)

Iowa Code Chapter 95 – Requalification
Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The employer filed an appeal from the December 11, 2020, (reference 02) unemployment insurance decision that allowed benefits. After due notice, a hearing was scheduled for February 19, 2021. No hearing was scheduled or held as there was sufficient evidence in the administrative record, appeal letter and accompanying documents to resolve the matter without testimony.

ISSUES:

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

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: The claimant has requalified for benefits since the separation from the employer.

The claimant has requalified for benefits. The Department issued a decision on December 21, 2020 (reference 03) prior to this hearing being held. That decision states that the claimant is eligible for benefits because he has earned ten times his weekly benefit amount. The employer's account can be relieved of charges.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: the claimant is eligible for benefits because he has earned ten(10) times his weekly benefit amount. The employer's account can be relieved from charges.

Iowa Code section 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.

Iowa Admin. Code r. 871-24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

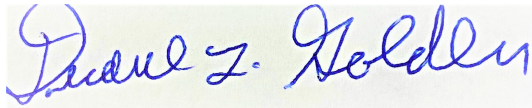
a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

This definition has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. *Huntoon v. Iowa Dep't of Job Serv.*, 275 N.W.2d 445, 448 (Iowa 1979).

The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the employer's account shall not be charged.

DECISION:

The December 11, 2020, (reference 02) unemployment insurance decision is modified in favor of the appellant. The claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.



Duane L. Golden
Administrative Law Judge

March 4, 2021
Decision Dated and Mailed

dlg/kmj