

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CYNTHIA T BALL
Claimant

THE IOWA CLINIC PC
Employer

APPEAL 21A-UI-06377-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/10/21
Claimant: Appellant (4)

Iowa Code § 96.5(1)g – Voluntary Quitting - Requalification

STATEMENT OF THE CASE:

On February 26, 2021, Cynthia T. Ball (claimant) filed an appeal from the February 16, 2021, reference 02, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with The Iowa Clinic, PC (employer) for personal reasons. After due notice was issued, a telephone conference hearing was set for May 5, 2021. However, no hearing was held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

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 separated from the employer on October 27, 2020, to work for another employer. The administrative record shows the claimant has worked in and been paid insured wages of at least ten times her weekly benefit amount since the separation and before filing her claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer but has since requalified for benefits.

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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant's separation to take employment with another employer was not for good attributable to this employer. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 255906) shall not be charged.

DECISION:

The February 16, 2021, reference 02, unemployment insurance decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but she 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.



Stephanie R. Callahan
Administrative Law Judge

May 13, 2021
Decision Dated and Mailed

src/kmj