

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

JAMES D CALL
1816 LOGAN K2
MUSCATINE IA 52761

CFA INC
1902 BROADWAY ST
IOWA CITY IA 52240-7001

Appeal Number: 04A-UI-00610-DT
OC: 11/16/03 R: 04
Claimant: Appellant (4)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving/Requalification
871 IAC 24.28(1) – Requalification

STATEMENT OF THE CASE:

James D. Call (claimant) appealed a representative's January 14, 2004 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from CFA, Inc. (employer). Hearing notices were mailed to the parties last-known addresses of record for a telephone hearing to be held on February 9, 2004. Prior to the hearing being held, the administrative law judge determined that no hearing was necessary and a decision was made on the record. Based on a review of the information in the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant's last day of work with the employer was January 29, 2003. With his appeal, the claimant provided documentation establishing that since that time he earned \$3,443.46 in wages with another employer. He had established a claim for unemployment insurance benefits effective November 16, 2003. His weekly benefit amount was calculated to be \$75.00.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

Iowa Code Section 96.5-1-g provides:

An individual shall be disqualified for benefits:

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 employer asserted the claimant voluntarily quit as of January 29, 2003, because he did not continue checking for available work. However, this issue does not need to be addressed because after the claimant worked for the employer but before he filed his claim for benefits November 16, 2003, he earned more than \$750.00 in wages from another employer. As a result, the reasons for his separation in January 2003 do not affect the claimant's eligibility to receive unemployment insurance benefits. 871 IAC 24.28(1). This also means the employer's account will not be charged for any benefits the claimant receives.

DECISION:

The representative's January 14, 2004 decision (reference 02) is modified in favor of the claimant. The claimant requalified to receive unemployment insurance benefits after January 29, 2003 and benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

ld/kjf