

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JASON WINTERS
Claimant

ELS OF FLORIDA INC
Employer

**APPEAL 20A-UI-10364-HP-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/24/20
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

Claimant Jason Winters filed an appeal from an August 11, 2020 (reference 02) unemployment insurance decision that denied benefits. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for October 12, 2020, at 1:00 p.m. Winters appeared late at 1:20 p.m. and the hearing was held. No one appeared on behalf of the employer, Els of Florida Inc. ("Els").

ISSUE:

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

FINDINGS OF FACT:

A decision was issued on August 11, 2020, finding Winters was ineligible for unemployment insurance benefits because he voluntarily quit his employment with Els on February 17, 2020. The decision notified Winters he was disqualified from receiving unemployment benefits until he earned wages for insured work equal to ten times his weekly benefit amount after his separation date.

Winters testified he worked for Els starting in 2019. Els placed him at Midwest 3PL. Midwest 3PL hired Winters as a regular employee directly from Els. Winters last worked for Els on a Monday and commenced his employment as a regular full-time employee of Midwest 3PL the following Monday. Winters did not continue working for Els after Midwest 3PL hired him on as a regular employee.

Having reviewed all the evidence I find Winters has requalified for benefits since his separation from Els on February 17, 2020. Winters's weekly benefit rate is \$392.00. Since his separation from Els, Winters earned and was paid wages exceeding ten times his weekly benefit rate.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 95.(1)g provides:

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

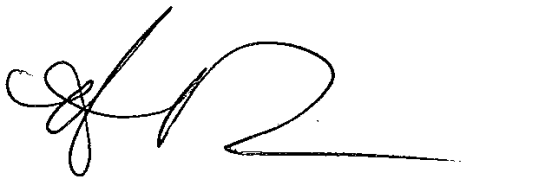
1. *Voluntary quitting.* If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

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.

Winters's weekly benefit rate is \$392.00. Since his separation from Els, Winters was paid wages for insured work exceeding ten times his weekly benefit amount. Accordingly, benefits are allowed and the account of Els of Florida Inc. (account number 531655-000) shall not be charged.

DECISION:

The August 11, 2020 (reference 02) unemployment insurance decision denying unemployment insurance benefits is reversed in favor of the claimant/appellant. Claimant has requalified for benefits since his February 17, 2020 separation from Els of Florida Inc. Benefits are allowed provided the claimant is otherwise eligible. The account of Els of Florida Inc. (account number 531655-000) shall not be charged. .



Heather L. Palmer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

October 14, 2020
Decision Dated and Mailed

hlp/scn