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

Appeal Number: 04A-UI-10620-D
OC: 08/22/04   R: 02
Claimant: Respondent (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.

SHARON M KLINE
2805 E 38TH ST
DES MOINES IA 50317

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.

COMP TEAM INC
COMP USA INC
C/O TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

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)

871 IAC 24.28(1) – Requalification

STATEMENT OF THE CASE:

Comp Team, Inc. (employer) appealed a representative's September 20, 2004 decision (reference 05) that concluded Sharon M. Kline (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. Originally the employer had requested a telephone hearing; however, as was her right, the claimant then requested an in-person hearing. Hearing notices were mailed to the parties last-known addresses of record for an in-person hearing to be held on November 3, 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.

ISSUE:

Did the claimant's July 1, 2004 separation disqualify her from benefits and is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant started working for the employer on November 10, 2003. She worked as cashier. Her last day of work was July 1, 2004.

The claimant established a claim for unemployment insurance benefits effective August 22, 2004. Her weekly benefit amount was calculated to be $129.00. After July 1, 2004, the claimant earned at least $1,290.00 with another employer.

REASONING AND CONCLUSIONS OF LAW:

The wages the claimant earned with the employer are in her base period. The employer asserted the claimant was discharged for misconduct as of July 1, 2004. However, this issue does not need to be addressed because after the claimant worked for the employer but before she filed her claim for benefits effective August 22, 2004, she earned more than $1,290.00 in wages from another employer. As a result, the reasons for her separation on July 1, 2004 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 September 20, 2004 decision (reference 05) is modified in favor of the employer. The claimant is requalified to receive unemployment insurance benefits after her separation on July 1, 2004. Benefits are allowed, if the claimant is otherwise eligible. Since the claimant has requalified to receive unemployment insurance benefits, the employer's account will not be charged.

ld/kjf