

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

KELVIN D ALLEN
Claimant

APPEAL NO. 08A-UI-07526-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BICKFORD SENIOR LIVING GROUP
Employer

**OC: 06/29/08 R: 02
Claimant: Appellant (4)**

Section 96.5(1)g – Quit/Requalification

STATEMENT OF THE CASE:

The claimant, Kelvin Allen, filed an appeal from a decision dated August 18, 2008, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was scheduled to be held by telephone conference call on September 4, 2008. Prior to the hearing being held it was determined to be unnecessary.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Kelvin Allen filed a claim for unemployment benefits with an effective date of June 29, 2008. The decision in the present case disqualified him from receiving benefits. Prior to the hearing date a subsequent decision was issued by Iowa Workforce Development on August 22, 2008, finding the claimant had earned ten times his weekly benefit amount after his separation from this employment.

REASONING AND CONCLUSIONS OF LAW:

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 claimant's separation from employment with this employer was a disqualifying event. However, subsequent to that separation but prior to filing his claim for benefits, Mr. Allen requalified by earning ten times his weekly benefit amount in insured work. Under the provisions of the above Code section, the claimant is qualified for benefits.

DECISION:

The representative's decision of August 18, 2008, reference 02, is modified in favor of the appellant. Kelvin Allen is qualified for benefits, provided he is otherwise eligible. However, the account of Bickford Senior Living Group LLC shall not be charged with benefits paid to the claimant.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs