

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JORDAN M WATKINS**  
Claimant

**APPEAL NO: 10A-UI-01412-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACKERMAN INVESTMENT CO**  
Employer

**OC: 12/27/09**  
**Claimant: Respondent (1`)**

Section 96.5-7-2-a (2) – Employer Liability

**STATEMENT OF THE CASE:**

The employer appealed a January 22, 2010 decision (reference 01) held the employer's account could be charged because an earlier decision, February 10, 2009, held the employer's account was subject to charge. The employer appealed because a Workforce representative indicated the employer's account should not be charged if the claimant earned requalifying wages. A hearing was held on March 8, 2010. The claimant responded to the hearing notice, but was not available for the hearing. Greg Bocken and Ken Anderson appeared on the employer's behalf. The employer requested that a decision be made based on the administrative record because the employer was asking that a legal decision be made on the issue of whether the employer's account should be held subject to or exempt from charge under the facts of this case. The employer's request was granted. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

A February 10, 2009 decision held the employer's account subject to charge because the claimant's December 27, 2008 employment separation was for nondisqualifying reasons. The employer did not appeal that decision in 2009. After the claimant worked for the employer but before he established a subsequent benefit year, the week of December 27, 2009, he earned more than \$2,190.00 in wages from subsequent employers.

**REASONING AND CONCLUSIONS OF LAW:**

An employer's account will not be charged when a claimant is discharged for work-connected misconduct. Iowa Code section 96.7-2-a (2). Any individual who has been disqualified for misconduct connected with work remains disqualified until he has been paid wages for insured work equal to ten times the claimant's weekly benefit amount 871 IAC 24.32-1(b).

The ten times requalifying wage rule only pertains to a claimant who has been previously disqualified from receiving benefits. By earning ten times his weekly benefit amount, a claimant requalifies to receive wages. This does not mean an employer who was previously held subject to charge will be exempted because a claimant has earned ten times his weekly benefit amount after he worked for an employer requalified. When a claimant was discharged for

work-connected misconduct, the employer's account is exempted from charge and stays exempted from charge.

The employer did not appeal the February 10, 2009, in 2009. As a result, that decision is considered final. Iowa Code section 96.6-2. This means the employer's account may be charged for benefits during the claimant's current benefit year because the employer is now a base period employer. Employers who are not base period employers should protect their account from future charges by appealing decisions that hold a claimant eligible to receive benefits and their account subject to charge even if the employer is not at that time a base period employer. The information a local representative gave the employer was not correct under the facts of this case.

**DECISION:**

The representative's January 22, 2010 decision (reference 01) is affirmed. The employer's account is subject to charge because the reason for the claimant's December 27, 2008 employment separation was for nondisqualifying reasons.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs