

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANETTE K FITE
Claimant

APPEAL NO: 12A-UI-13005-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ASSOCIATED MATERIALS LLC
Employer

OC: 12/25/11
Claimant: Appellant (4)

Section 96.5-2-a – Discharge/Misconduct/Requalification

STATEMENT OF THE CASE:

Danette K. Fite (claimant) appealed a representative's October 23, 2012 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Associated Materials, L.L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 18, 2012. The claimant participated in the hearing. Mark Renko appeared on the employer's behalf. Subsequent to the hearing the administrative law judge concluded that the matters raised in the hearing had become moot, and that a decision should be issued based upon a review of the Agency records. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant disqualified from receiving unemployment insurance benefits due to the October 8, 2012 separation from employment with the employer?

FINDINGS OF FACT:

After a prior period of employment with the employer through a temporary employment firm, the claimant started working directly for the employer on October 16, 2011. She worked full time as a production associate in the glass department at the employer's window manufacturing business. Her last day of work was October 8, 2012. The employer discharged her on that date. The stated reason for the discharge was leaving the premises without permission.

The claimant had established a claim for unemployment insurance benefits effective December 25, 2011. Her weekly benefit amount was calculated to be \$103.00. She reopened the claim after her separation from the employer by filing an additional claim effective October 7, 2012. However, she did not make any weekly continued claims after reopening the claim. Rather, Agency records indicate that the claimant entered into other employment on or about November 17, 2012; she remained in that employment through on or about January 23, 2013. When that employment ended, she established a new claim year effective January 20, 2013.

Between November 17, 2012 and January 23, 2013 the claimant earned in excess of \$1,030.00 in wages from her subsequent employer.

REASONING AND CONCLUSIONS OF LAW:

The employer asserted the claimant was discharged for misconduct as of October 8, 2012. However, this issue does not need to be resolved because after the claimant worked for the employer but before she made any weekly continued claims for benefits, she earned more than \$1,030.00 in wages from another employer. As a result, the reason for her separation in October 2012 no longer affects 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 October 23, 2012 decision (reference 03) is modified in favor of the claimant. Even if the reason for the separation might have been disqualifying, before making any weekly continued claims for benefits the claimant has requalified for benefits since the separation. As of January 20, 2013 benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs