

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

MARY ANDERSON
APT 11B
1958 BROADWAY ST
IOWA CITY IA 52240

MCI PAYROLL SERVICES LLC
22001 LOUDOUN CO PKWY
ASHBURN VA 20147

Appeal Number: 04A-UI-02282-HT
OC: 01/25/04 R: 03
Claimant: Appellant (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.

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.

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)

Section 96.5-1-g – Quit/Requalification

STATEMENT OF THE CASE:

The claimant, Mary Anderson, filed an appeal from a decision dated February 27, 2004, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was scheduled to be held by telephone conference call on March 22, 2004. A subsequent decision by Iowa Workforce Development resulted in the hearing being unnecessary.

FINDINGS OF FACT:

Having having examined all of the evidence in the record, the administrative law judge finds: Mary Anderson filed a claim for unemployment benefits with an effective date of January 25, 2004. Her weekly benefit amount is \$247.00.

The decision in the current case was issued on February 27, 2004, stating the claimant was disqualified from receiving benefits because she had quit work with MCI on August 13, 2003, without good cause attributable to the employer.

A subsequent decision was issued on March 18, 2004, finding the claimant had earned ten times her weekly benefit amount in other employment, subsequent to the separation from MCI, but prior to filing the claim for unemployment benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes is not.

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 quit without good cause attributable to the employer and this is a disqualifying separation. However, she has requalified under the provisions of the above Code section by earning ten times her weekly benefit amount.

DECISION:

The representative's decision of February 27, 2004, reference 02, is modified in favor of the appellant. Mary Anderson is qualified for benefits provided she is otherwise eligible. The account of MCI will not be charged with benefits paid to the claimant.

bgh/s