

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KARI LUNDY
Claimant

HY-VEE INC
Employer

APPEAL 21A-UI-10072-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/20
Claimant: Appellant (4)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 30, 2021 (reference 01) decision that denied benefits. After due notice was issued, a hearing was scheduled to be held on June 24, 2021. The claimant did not register a telephone number at which she could be reached for the hearing. The employer's representative was present and prepared to proceed. However, because the issue appealed is resolved administratively in claimant's favor without prejudice to the employer, no testimony is necessary and no hearing is necessary.

ISSUE:

Has the claimant requalified for benefits since the separation from this employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant has requalified for benefits since the separation from this employer, Hy-Vee, Inc. (account number 006858) and since the prior claim year separation decision. Claimant's wage records show that she has earned insured wages of at least ten times her weekly benefit amount since separating from this employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has requalified for benefits.

Iowa Code § 96.5(2)a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

- a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 006858) shall not be charged.

DECISION:

The March 30, 2021 (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant has requalified for benefits since the separation and since the prior claim year separation decision. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 006858) shall not be charged.



Alexis D. Rowe
Administrative Law Judge

July 6, 2021
Decision Dated and Mailed

ar/kmj