

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHYLLIS POMPEY
Claimant

APPEAL NO: 08A-UI-05854-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 05-18-08 R: 02
Claimant: Appellant (2)

Section 96.5-1-g – Wages for Insured Work Equal to Ten Times Weekly Benefit Amount
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 30, 2008, reference 02, decision that denied benefits because the claimant did not have sufficient wages reported with other employers in the base period to be eligible to draw benefits. After due notice was issued, a hearing was held on July 10, 2008 before Administrative Law Judge Julie Elder. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant has earned ten times her weekly benefit amount in wages for insured work since November 1, 2007.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A disqualification decision was mailed to the claimant's last known address of record on May 30, 2008. The claimant did not receive the decision and therefore did not file an appeal until June 23, 2008, when she spoke to the Agency. Consequently, the administrative law judge concludes the claimant's appeal is timely.

The claimant earned \$1,030.86 in insured wages after November 1, 2007, which exceeds the required ten times her weekly benefit amount of \$97.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible to receive benefits.

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.

Because the claimant did earn ten times her weekly benefit amount of \$97.00 since November 1, 2007, she is eligible to receive benefits.

DECISION:

The May 30, 2008, reference 02, decision is reversed. The claimant's appeal is timely and she is eligible to receive benefits during the current claim year.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw