

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

XOCHITL A ZAMBRANO GALICIA
Claimant

APPEAL 17A-UI-03955-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/31/16
Claimant: Appellant (2-R)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Xochitl A. Zambrano Galicia (claimant) filed an appeal from the March 29, 2017, reference 08, unemployment insurance decision that denied benefits based upon the determination she had not requalified for benefits by earning insured wages in an amount ten times her weekly benefit amount since her disqualifying separation from Elite Staffing Global on July 26, 2016. After due notice was issued, a telephone conference hearing was scheduled to be held on May 3, 2017. The claimant participated. Louis (employee number 10342) from CTS Language Link provided Spanish interpretation services. Claimant's Exhibit A was received. Official notice was taken of the administrative record.

ISSUE:

Has the claimant requalified for unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed her original claim for benefits the week of July 31, 2016. The claimant's weekly benefit amount is \$332.00. On September 8, 2016, the agency found she had voluntarily quit her employment with Elite Staffing Global, Inc. to move to another location which disqualified her from receiving benefits. The claimant did not appeal that decision and it has become final agency action.

After her separation from Elite Global Staffing, the claimant has worked for four different employers. The claimant worked for Sonic Drive-In in Taos, New Mexico for a short time in September 2016. She earned gross wages in the amount of \$214.80. She worked for Pacific Farm Management, Inc. in Madera, California in October and November of 2016. Pacific Farm Management, Inc. is an agricultural company. The claimant earned gross wages in the amount of \$2,084.10. The claimant next worked for GC Harvesting, Inc. in Calexico, California during the last two weeks of 2016. GC Harvesting, Inc. is an agricultural company. The claimant earned gross wages in the amount of \$274.77. Finally, the claimant worked for Sunrise Packing, Inc. in Calexico, California. She began employment in January 2017 and her

employment ended in February 2017. She earned gross wages in the amount of \$1,102.75. The claimant reactivated her claim the week beginning March 5, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has monetarily requalified for benefits since her disqualifying separation from Elite Staffing Global, Inc. Benefits are allowed, if she is otherwise eligible.

Iowa Code § 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 was disqualified from benefits due to a voluntary quit according to an unemployment insurance decision dated September 8, 2016, reference 06. The claimant's weekly benefit amount is \$332.00. She would have to earn \$3,320.00 in insured wages to requalify for benefits. The documentation provided shows the claimant has earned \$3,676.42 in gross wages since her separation. The claimant submitted pay stubs from each employer. There was no evidence provided indicating these were not insured wages. The claimant has monetarily requalified for benefits based on the information available to date. Benefits are allowed, if she is otherwise eligible.

DECISION:

The March 29, 2017, reference 08, unemployment insurance decision is reversed. The claimant has monetarily requalified for benefits since her separation from Elite Global Staffing, Inc. based on the information available to date. Benefits are allowed, provided the claimant is otherwise eligible.

REMAND:

The issue of whether the claimant's claim should be a combined wage claim, as she has earned wages from other states, is remanded to the Benefits Bureau for an initial investigation and determination.

The issue of whether the claimant's separations from the four employers discussed in the statement of facts were qualifying is remanded to the Benefits Bureau for an initial investigation and determination.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn