

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAUD A MOHAMED
Claimant

APPEAL NO: 06A-UI-09134-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 07/30/06 R: 02
Claimant: Respondent (4)

871 IAC 24.28 – Voluntary Quit Requalification

STATEMENT OF THE CASE:

Express Services, Inc. (employer) appealed a representative's September 7, 2006 decision (reference 03) that concluded Daud A. Mohamed (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's unemployment as of December 7, 2006, occurred as the result of nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 27, 2006. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. B.J. Butler, a staffing specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant registered to work for the employer on November 27, 2005. The employer, a staffing service, informed the claimant that after he completed a job assignment, he was required to contact the employer within 48 hours to advise the employer he had completed a job assignment, to see if the employer had another job assignment or to inform the employer about his continued availability for work.

The claimant started a job assignment on November 28, 2005. He completed the job assignment on December 7, 2005. The employer knew the claimant had completed the assignment on December 7, 2005, because the client only schedules one day in advance and the claimant was not on the schedule after December 7.

After completing the work on December 7, the claimant did not contact the employer again until April 6, 2006. The employer may have had another job to assign the claimant if he had contacted the employer earlier.

After working for the employer in December 2005, the claimant earned wages from the employer in April and May that exceeded ten times his weekly benefit amount. The claimant also worked for another employer during the second quarter of 2006 and earned more than \$1,200.00.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if a claimant voluntarily quits employment without good cause attributable to the employer or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code sections 96.5-1, 2-a. A claimant shall be eligible for benefits even though having voluntarily left employment, if subsequent to leaving such employment the claimant worked in and was paid wages for insured work equal to ten times the claimant's weekly benefit amount. 871 IAC 24.28(1). Even if the claimant voluntarily quit employment in December 7, 2005, he is not disqualified from receiving benefits based on this employment separation because he earned and was paid wages during the second quarter of 2006 that exceed ten times his weekly benefit amount of \$120.00.

Pursuant to the decision for appeal 06A-UI-09133-DWT, the claimant is not qualified to receive benefits as of July 30, 2006, based on a subsequent employment separation that occurred in early May. As a result of the decision for appeal 06A-UI-09133-DWT, the employer's account will not be charged.

DECISION:

The representative's September 7, 2006 decision (reference 03) is modified in the employer's favor. Since the claimant earned more than ten times his weekly benefit amount from subsequent employment during the second quarter of 2006, the reasons for the employment separation on December 7, 2005, does not affect the claimant's receipt of unemployment insurance benefits. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/CS