

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

MICHELLE REYNOLDS  
PO BOX 396  
OXFORD IA 52322

DEPT OF VETERANS AFFAIRS  
VA MEDICAL CENTER  
601 HWY 6 WEST  
IOWA CITY IA 52246

Appeal Number: 06A- UCFE 00006-SWT  
OC: 01/01/06 R: 03  
Claimant: Respondent (1)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

5 U.S.C. 8505(a)  
Section 96.5-1-g – Requalification after Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated January 23, 2006, reference 01, that concluded the claimant was qualified to receive unemployment insurance benefits because she had been paid wages of over ten times her weekly benefit amount since her separation from employment with the employer and the employer was chargeable for its proportionate share of benefits paid to the claimant. A telephone hearing was held on February 23, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Daniel Helle participated in the hearing on behalf of the employer with a witness, Melinda Welbes.

FINDINGS OF FACT:

The claimant worked full time for the employer as a food service worker from July 13, 2003, to April 8, 2005. The claimant voluntarily quit employment to care for her brother and mother, both of whom were suffering from serious health problems. After her employment with the employer ended, the claimant took a job with AJ's Copper Garden from April 2005 to December 30, 2005. During the time period from April through September 2005, the claimant was paid \$6,590.00 from her employment with AJ's Copper Garden.

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 1, 2006. Her weekly benefit amount was determined to be \$183.00.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.5-1-g provides that a claimant who has worked and was paid wages of at least 10 times her weekly benefit amount after she voluntarily quit employment without good cause attributable to the employer is not subject to disqualification.

Federal law at 5 U.S.C. 8505(a) provides that each State is entitled to be paid by the United States with respect to each individual whose base period wages included Federal wages, an amount which shall bear the same ratio to the total amount of UC paid to such individual as the amount of Federal wages in the base period bears to the total amount of base period wages.

While a non-federal employer would not be charged for benefits paid to a claimant who voluntarily quit employment without good cause attributable to the employer under Iowa Code Section 96.7-2-a(2), based on the statutory provision 5 U.S.C. 8505(a), these exemption from charge provisions do not apply to federal employers.

DECISION:

The unemployment insurance decision dated January 23, 2006, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible. The employer is subject to charge for its proportional share of benefits paid to the claimant.

saw/s