

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MOHAMMED J MIRZAI**  
Claimant

**APPEAL NO: 13A-UI-09204-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DUNHAM'S ATHLEISURE CORP**  
Employer

**OC: 06/23/13**  
**Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Leaving/Requalification

**STATEMENT OF THE CASE:**

Dunham's Athleisure Corporation (employer) appealed a representative's July 29, 2013 decision (reference 02) that concluded Mohammed J. Mirzai (claimant) was qualified to receive unemployment insurance benefits after a separation from employment and that the employer's account could be subject to charge. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on September 23, 2013. On the day of the hearing but prior to the hearing being held, the administrative law judge determined that no hearing was necessary and that a decision could be made on the record. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit, and if so is he disqualified from receiving unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant's last day of work with the employer was December 12, 2012. The employer asserted that the claimant voluntarily quit by job abandonment. After the separation, Agency records show that the claimant began employment with another employer on January 7, 2013, and worked through at least June 3, 2013. In that employment he earned over \$870.00. The claimant established an unemployment insurance benefit year effective June 23, 2013, and his weekly benefit amount was calculated to be \$87.00.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The administrative law judge further concludes from information contained in Agency records that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The representative's July 29, 2013 decision (reference 02) is modified in favor of the appellant. The claimant voluntarily left his employment without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

---

Lynette A. F. Donner  
Administrative Law Judge

---

Decision Dated and Mailed

ld/css