

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MORRIS L PARSON**  
Claimant

**APPEAL NO. 17A-UI-01918-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GDC INC**  
Employer

**OC: 08/21/16**  
**Claimant: Respondent (4)**

Iowa Code Section 96.7 – Employer Liability

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the quarterly Statement of Charges that was mailed to the employer on February 9, 2017 for the quarter the ended December 31, 2016. Based on review of the employer's appeal and the agency's administrative records, the administrative law judge concludes that he can enter a decision granting the requested remedy without need for a hearing.

**ISSUE:**

Whether the quarterly Statement of Charges mailed to the employer on February 9, 2017 was in error.

**FINDINGS OF FACT:**

On February 9, 2017, Iowa Workforce Development mailed a quarterly Statement of Charges to the employer. That State of Charges indicated that the employer's account was being assessed \$1,536.67 for benefits that Workforce Development paid to claimant Morris Parson during the quarter that ended December 31, 2016. Mr. Parson separated from the employer on March 2016. Mr. Parson established a claim for unemployment insurance benefits that was effective August 21, 2016. Between Mr. Parson's separation from the employment and his unemployment insurance claim, Mr. Parson worked in additional insured work for which he was paid the equivalent of at least 10 times his weekly benefit amount. On September 12, 2016, Iowa Workforce Development mailed the September 12, 2016, reference 02, decision to the employer and to Mr. Parson. The reference 02 decision relieved the employer's account of liability for benefits paid to Mr. Parson. The decision acknowledged that Mr. Parson had requalified for unemployment benefits pursuant to Iowa Code Sections 96.5(1)(g) or 96.5(2)(a) by earning 10 times his weekly benefit amount through additional insured work. The decision advised Mr. Parson that he was eligible for benefits, provided he met all other eligibility requirements. The decision advised the employer that the \$5,239.00 in wage credits that Mr. Parson had earned during the period of April 1, 2015 through March 11, 2016 would be charged to the unemployment compensation fund. The database readout (DBRO) reflects this transfer of liability for benefits from the employer's account to the unemployment compensation fund.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code Section 96.7 sets forth the parameters of employer liability for unemployment insurance benefits paid to current and former employees. Iowa Code Section 96.5(1)(g) provides that a claimant can requalify for benefits after a disqualifying voluntary quit by earning 10 times his weekly unemployment insurance benefit amount through additional insured employment. Iowa Code Section 96.5(2)(a) provides for similar requalification following a disqualifying discharge from employment. Iowa Workforce Development interprets these Code sections as granting authority to the agency to relieve the former employer of liability for benefits once the former employee/claimant has requalified for unemployment insurance benefits. These Code sections were the basis for the September 12, 2016, reference 02, that allowed benefits to Mr. Parson provided he met all other eligibility for benefits and that relieved the employer of liability for benefits paid to Mr. Parson. The September 12, 2016, reference 02, is a final agency decision. Accordingly, the parties are bound by that decision and may reasonably rely on that decision. Based on the September 12, 2016, reference 02, decision, and based on review of the database readout (DBRO), which reflects shifting of liability for benefits paid to the claimant from the employer's account to the unemployment compensation fund, the administrative law judge concludes that the quarterly Statement of Charges that was mailed to the employer on February 9, 2017 was erroneous. The document should not have been mailed to the employer. The document should not have indicated that the employer's account was had been or was being assessed for benefits paid to the claimant. The employer's account has not been assessed for benefits paid to the claimant and, pursuant to the September 12, 2016, reference 02, decision, will not be assessed for benefits paid to the claimant.

**DECISION:**

The quarterly Statement of Charges that was mailed to the employer on February 9, 2017 for the quarter the ended December 31, 2016 was erroneous and is hereby vacated. The claimant remains eligible for benefits provided he meets all other eligibility requirements. The employer's account shall not be charged for benefits paid to the claimant. The hearing set for March 14, 2017 is cancelled.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs