

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL J WRIGHT
Claimant

APPEAL NO. 07A-UI-03284-NT

**ADMINISTRATIVE LAW JUDGE
NUNC PRO TUNC DECISION**

JKB RESTAURANTS LC
Employer

**OC: 02/11/07 R: 02
Claimant: Respondent (1)**

Section 96.5-1-g – Voluntary Quit/Requalification

STATEMENT OF THE CASE:

An appeal was filed, erroneously believed to have been by JKB Restaurants, LC from an unemployment insurance decision dated February 28, 2007, reference 01, that allowed benefits to Daniel J. Wright upon a finding that he had earned ten times his weekly benefit amount in wages for insured work after leaving employment with JKB Restaurants but before filing his claim effective February 11, 2007. After due notice was issued, a telephone hearing was held on April 16, 2007 with Mr. Wright participating. Travis Brandt participated for the employer. A decision in this matter was issued on June 26, 2007. Upon further review, the administrative law judge concludes that he had misread Agency wage records. The decision dated June 26, 2007 is vacated and this decision is substituted in its place.

ISSUE:

Has the claimant requalified for benefits following his separation from employment with JKB Restaurants?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Daniel J. Wright's employment with JKB Restaurants doing business as McDonald's ended on or about June 15, 2006. After working for this employer but before filing his present claim for unemployment insurance benefits, Mr. Wright earned more than ten times his present weekly benefit amount in wages for insured work with B-Clean Carpet Care, Inc.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Wright's separation from employment with JKB Restaurants was a disqualifying event. It was not. Iowa Code section 96.5-1-g provides that an individual requalifies for benefits following a separation from employment by earning ten times his or her weekly benefit amount in wages for insured work from subsequent employers. The evidence in this record establishes that Mr. Wright has done so. No disqualification, therefore, should be

imposed based upon his separation from employment with JKB Restaurants. No benefits shall be charged to the account of JKB Restaurants.

DECISION:

The unemployment insurance decision dated February 28, 2007, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

css/css