

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**AVARIAN D GILES**

Claimant

**APPEAL 18A-UI-06431-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AEROTEK INC**

Employer

**OC: 05/13/18**

**Claimant: Appellant (4)**

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Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 4, 2018, (reference 02) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit his employment. The parties were properly notified of the hearing. A telephone hearing was scheduled for June 28, 2018. The administrative law judge reviewed the administrative record prior to the hearing and determined that no hearing was necessary.

**ISSUE:**

Has the claimant requalified for benefits since the separation from this employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant last worked for and earned insured wages from Aerotek, Inc., in the first quarter of 2017. Claimant's employment ended when he quit. The administrative record reflects that since the separation from this employment, the claimant has worked in and been paid insured wages of at least ten times his weekly benefit amount.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer but has since requalified for benefits.

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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

The claimant's separation from Aerotek, Inc. is disqualifying. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 246849) shall not be charged.

**DECISION:**

The June 4, 2018, (reference 02) unemployment insurance decision is modified in favor of the appellant. The claimant quit 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.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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