

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

BARBARA L BUCK
609 WALLGATE AVE
WATERLOO IA 50702

CARE INITIATIVES
c/o JOHNSON AND ASSOCIATES
PO BOX 6007
OMAHA NE 68106-0007

Appeal Number: 05A-UI-00331-HT
OC: 11/21/04 R: 03
Claimant: Appellant (4)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1-g – Quit/Requalification

STATEMENT OF THE CASE:

The claimant, Barbara Buck, filed an appeal from a decision dated January 7, 2005, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was scheduled to be held by telephone conference call on January 25, 2005. Prior to the date of the hearing, it was determined not to be necessary.

FINDINGS OF FACT:

Having examined all of the evidence in the record, the administrative law judge finds: Barbara Buck filed a claim for unemployment benefits with an effective date of November 21, 2004. She

was disqualified as a result of her separation from Care Initiatives in a decision dated January 7, 2005, because she had quit work without good cause attributable to the employer.

A subsequent decision dated January 11, 2005, found she had requalified for benefits by earning at least ten times her weekly benefit amount subsequent to her separation from Care Initiatives but prior to filing her claim for unemployment benefits.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

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 requalified for unemployment benefits by earning more than ten times her weekly benefit amount subsequent to her separation but prior to filing a claim for benefits.

DECISION:

The representative's decision of January 7, 2005, reference 02, is modified in favor of the appellant. Barbara Buck has requalified for benefits after her separation from Care Initiatives and is qualified for benefits, provided she is otherwise eligible. The account of Care Initiatives shall not be charged with benefits paid to the claimant.

bgh/tjc