

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES E KIRKPATRICK
Claimant

L A LEASING GROUP
Employer

APPEAL 16A-UI-05227-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/15/15
Claimant: Respondent (4)**

Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

L A Leasing Group (employer) filed an appeal from the May 3, 2016 (reference 02) unemployment insurance decision that allowed benefits based upon the determination that the claimant was considered able and available for work during a short-term layoff. The parties were properly notified about the hearing. A telephone hearing was held on June 1, 2016. The claimant did not participate. The employer participated through Unemployment Insurance Benefits Administrator Colleen McGuinty and Administrative Assistant Terri Abelen. Employer's Exhibit One was received. Official notice was taken of the administrative record, specifically the claimant's wage history.

ISSUES:

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: The claimant began working for the employer on March 8, 2011. His most recent assignment was completed on December 16, 2014. The claimant has not worked for or had contact with the employer since that time. The administrative record reflects that since the claimant last worked for the employer, he has worked for other employers 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 has since requalified for benefits since he last worked for this employer.

Iowa Code § 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 not worked for the employer since December 16, 2014; it can be assumed he has separated from his employment. He is currently able and available for benefits. 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 040550) shall not be charged.

DECISION:

The May 3, 2016 (reference 02) unemployment insurance decision is modified in favor of the appellant. The claimant has requalified for benefits since he last worked for the employer. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 040550) shall not be charged.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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