

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CONNIE M CLINE
Claimant

APPEAL NO: 12A-UI-08674-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 06/10/12

Claimant: Appellant (4)

Section 96.5-1 – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

Connie M. Cline (claimant) appealed a representative's July 5, 2012 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Temp Associates (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on August 14, 2012. At the time for the hearing but in lieu of the hearing being held, the administrative law judge determined and the parties concurred that no hearing was necessary and that a decision could be made on the record.

ISSUE:

Was there a separation from employment either through a voluntary quit which still disqualifies the claimant from eligibility?

FINDINGS OF FACT:

The employer is a temporary employment firm. The representative's decision issued on July 5, 2012 concluded that there was a disqualifying separation through a voluntary quit effective January 12, 2012. However, a subsequent decision was issued on July 24, 2012 (reference 06), which concluded that by the time the claimant established her claim for unemployment insurance benefits effective June 10, 2012, she had earned at least ten times her weekly benefit amount in other employment after the January 12, 2012 separation.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not eligible for unemployment insurance benefits if she quit the employment without good cause attributable to the employer. Iowa Code §§ 96.5-1. The claimant would normally be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

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 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 shall not be charged.

DECISION:

The representative's July 5, 2012 decision (reference 02) is modified in favor of the appellant. The claimant voluntarily left her employment 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.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs