

BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319

REBECCA A MAY

Claimant

and

THE WALDINGER CORPORATION

Employer

HEARING NUMBER: 20BUI-08101

EMPLOYMENT APPEAL BOARD
DECISION

N O T I C E

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.6-3, 24.28

D E C I S I O N

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The issue of timeliness was raised on appeal when the Claimant filed her appeal beyond the deadline. The Board finds good cause for the untimely appeal, and considers it as timely.

The Board notes that the decision of the Claims Representative finding that the Claimant had not earned 10 times her WBA dates to October 16, 2019. Then the Administrative Law Judge affirming that decision dates to November 12, 2019. We have accepted the Claimant's late appeal. In affirming today, we are only affirming the finding that as of October 16 there was not evidence in the record that the Claimant had requalified. The Claimant has filed two, and only two, weekly claims so far. First one in the week ending October 12, 2019. That claim was denied, and properly so, because of the lack of requalification. She then filed a claim in the week ending December 7, 2019. The claims representative issued a decision on January 6, 2020 (reference 03) finding that the Claimant had requalified by December 7, 2019, and on that date also the December 7 claim was paid in the full amount, but charged to the fund. The Claimant has at this point requalified and the disqualification decision issued on July 17, 2019 (reference 06) is **no longer a bar** to the Claimant collecting benefits. The upshot is the October claim is not

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paid, the December claim was properly paid, and going forward the disqualification of July 17, 2019 is no longer an issue.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

RRA/fnv