

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

JEREMIAH B SCHUAKE  
1137 SOUTH ST APT 3  
WATERLOO IA 50702-2361

J & M PARTNERSHIP  
MCDONALDS  
2016 HOWARD AVE  
WATERLOO IA 50702

Appeal Number: 06A-UI-07870-DWT  
OC: 07/02/06 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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.28(2) – Ten Times Requalification

STATEMENT OF THE CASE:

Jeremiah B. Schuake (claimant) appealed a representative's July 27, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of McDonalds (employer) would not be charged because the reasons for the claimant's employment separation did not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 22, 2006. The claimant participated in the hearing. Scott appeared on the employer's behalf. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law and decision.

ISSUES:

Is the claimant qualified to receive benefits as a result of the reasons for his employment separation with the employer?

Is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant's employment separation with the employer occurred on September 29, 2005. The claimant worked and earned wages from other employers between September 29, 2005 and July 2, 2006. The claimant earned wages of more than \$2,530.00 during this time.

The claimant established a claim for unemployment insurance benefits during the week of July 2, 2006. The claimant's maximum weekly benefit amount is \$253.00.

REASONING AND CONCLUSIONS OF LAW:

If a claimant has a disqualifying employment separation, he is disqualified from receiving unemployment insurance benefits until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. 871 IAC 24.28(2) and 871 IAC 24.32(1)(b). Even though the representative did not notice the claimant had earned ten times his weekly benefit amount between September 29, 2005 and July 2, 2006, the record clearly shows the claimant earned more than \$2,530.00 during this time. Therefore, the claimant is not disqualified from receiving benefits based on this employment separation. The employer's account remains exempt from charge.

DECISION:

The representative's July 27, 2006 decision (reference 01) is modified in the claimant's favor. The claimant requalified to receive unemployment by earning more than \$2,530.00 in wages between September 29, 2005 and July 2, 2006. Therefore, the claimant is not disqualified from receiving benefits as of July 2, 2006 based on the reasons for his employment separation with the employer. The employer's account will not be charged.

dlw/cs