

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERRY N SWANSON
Claimant

APPEAL NO. 06A-UI-11929-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FAMILY VIDEO MOVIE CLUB INC
Employer

**OC: 11/05/06 R: 04
Claimant: Appellant (2)**

Section 96.5-1(g) – Requalification

STATEMENT OF THE CASE:

Sherry N. Swanson filed a timely appeal from an unemployment insurance decision dated December 8, 2006, reference 02, which disqualified her for benefits following her separation from employment with Family Video. The claimant did not contest the disqualification but asserted instead that she had requalified by earning ten times her weekly benefits amount in wages for insured work with a subsequent employer. After reviewing all matters of record and agency wage records, the administrative law judge concludes that an evidentiary is not necessary.

ISSUE:

Has the claimant requalified for benefits since her separation from employment with Family Video?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Sherry N. Swanson left employment with Family Video on September 20, 2006, under circumstances disqualifying her for benefits. She filed a claim for unemployment insurance benefits effective November 5, 2006. Her weekly benefit amount is \$277.00. After leaving employment with Family Video, but prior to filing her claim for unemployment insurance benefits in November 2006, Ms. Swanson earned more than \$2,770.00 in wages from Manpower, Inc., of Cedar Rapids.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Swanson has requalified for unemployment insurance benefits. She has.

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.

An individual requalifies for unemployment insurance benefits by earning ten times his or her weekly benefit amount in wages for insured work with a subsequent employer. Evidence in agency wage records establishes that Ms. Swanson earned the requisite amount after her separation from employment with Family Video but prior to filing her present claim for unemployment insurance benefits. Therefore, she is entitled to receive unemployment insurance benefits effective November 5, 2006.

Benefits shall not be charged to the account of Family Video Movie Club, Inc.

DECISION:

The unemployment insurance decision dated December 8, 2006, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. No benefits shall be charged to the account of this employer.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw