

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L FEE
Claimant

APPEAL NO. 07A-UCFE-00024-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VA MEDICAL CENTER
Employer

OC: 07/02/07 R: 02
Claimant: Respondent (1)

Section 96.5(1)g – Quit/Requalification
20 CFR 609-14(a) – Relief of Charges

STATEMENT OF THE CASE:

The employer, VA Medical Center, filed an appeal from a decision dated July 11, 2007, reference 02. The decision allowed benefits to the claimant, Jennifer Fee. After due notice was issued, a hearing was held by telephone conference call on July 30, 2007. The claimant participated on her own behalf. The employer participated by Labor Relations Manager Pete Jungen.

ISSUE:

The issue is whether the employer's account may be relieved of charges.

FINDINGS OF FACT:

Jennifer Fee was previously employed by the VA Medical Center. Her employment ended June 21, 2006, with a voluntary quit which was not for good cause attributable to the employer. She was disqualified in a decision issued July 27, 2006.

Subsequent to that separation, but prior to filing her current claim for benefits, Ms. Fee earned more than ten times her weekly benefit amount from another employer. However, VA Medical Center was not relieved of charges to its account.

REASONING AND CONCLUSIONS OF LAW:

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.

20 CFR Section 609.14(a) provides:

(a) *State entitlement.* Each State is entitled to be paid by the United States with respect to each individual whose base period wages included Federal wages, an amount bearing the same ratio to the total amount of compensation paid to such individual as the amount of the individual's Federal wages in the individual's base period bear to the total amount of the individual's base period wages.

Ms. Fee did requalify for benefits under the provisions of the above Iowa Code section after her disqualifying separation from VA Medical Center. However, under the provisions of the above Federal statute, the employer cannot be relieved of charges to its account in spite of the initially disqualifying separation.

DECISION:

The representative's decision of July 11, 2007, reference 02, is affirmed. VA Medical Center will not have its account relieved of charges for benefits paid to Jennifer Fee.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css