

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADAM SCOTT
Claimant

APPEAL NO: 12A-UI-13910-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OSCEOLA FOOD LLC
Employer

OC: 10/21/12
Claimant: Appellant (4)

Iowa Code § 96.5(1)g - Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

Adam Scott (claimant) appealed an unemployment insurance decision dated November 13, 2012, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Osceola Food, LLC (employer) without good cause attributable to the employer. After due notice was issued, a hearing was scheduled to be held on January 7, 2013. Because the claimant has requalified for benefits no testimony was necessary and no hearing was held. Based on the evidence and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant has requalified for benefits since the separation from this employer.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant has requalified for benefits since the separation from Osceola Foods (account number 268387).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has requalified for benefits.

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 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 unemployment insurance decision dated November 13, 2012, reference 01, is modified in favor of the appellant. The claimant has requalified for benefits since the separation and since the prior claim year separation decision. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs