

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT T RUSSELL
Claimant

APPEAL NO. 11A-UI-08763-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OSKALOOSA COMM SCHOOL DIST
Employer

OC: 0612/11
Claimant: Appellant (4/R)

Iowa Code § 96.5(3) – Requalify after Refusal of Suitable Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 23, 2011 determination (reference 01) that held him ineligible to receive benefits as of June 12, 2011, because he had not earned ten times his weekly benefit amount since August 17, 2010. The claimant participated at the scheduled hearing. The employer responded to the hearing notice, but the administrative law judge was unable to contact the employer.

The employer contacted the Appeals Section after the claimant had been excused from the hearing. Even though the employer's phones had not been working, the employer did not request that the hearing be reopened after it was explained that the issue noted on the hearing notice was not correct. The correct issue is whether the claimant earned ten times his weekly benefit to requalify to receive benefits.

Based on the administrative record and the law, the administrative law judge finds the claimant has earned requalifying wages and is eligible to receive benefits as of June 12, 2011.

ISSUE:

Has the claimant earned \$810 since August 17, 2010?

FINDINGS OF FACT:

In a December 8, 2010 administrative law judge's decision, the claimant was disqualified from receiving benefits as of August 17, 2010. This disqualification continued until he earned ten times his weekly benefit amount. His weekly benefit at that time was \$81.

From October 1 through December 31, 2010, the claimant earned \$600 in wages from the employer and \$547 from United Parcel Post. The claimant reopened his claim during the week of June 12, 2011.

REASONING AND CONCLUSIONS OF LAW:

Based on an administrative law judge's December 8, 2010 decision, the claimant was 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. Iowa Code § 96.3(5).

The facts establish the claimant earned more than \$810 during the fourth quarter of 2010. As of December 26, 2010, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. This matter is remanded to the Claims Section to determine if the claimant is entitled to receive benefits for weeks he filed weekly claims since December 26, 2010.

DECISION:

The representative's June 23, 2011 determination (reference 01) is modified in the claimant's favor. As of December 26, 2010, the claimant earned ten times his weekly benefit amount and requalified to receive benefits. The employer's account is not subject to charge during the claimant's 2010 claim year. Whether the employer's account is subject to charge in the claimant's 2011 claim year depends on the reasons for the claimant's employment separation, not the refusal that was addressed in a December 8, 2010 decision. This matter is **Remanded** to the Claims Section to determine if the claimant should receive benefits for weeks he filed weekly claims since December 26, 2010.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw