

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KENYATA L BURNETT
Claimant

GOOD SAMARITAN SOCIETY INC
Employer

APPEAL 20A-UI-08937-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Appellant (2)

Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

On July 24, 2020, Kenyata Burnett (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated July 21, 2020 (reference 03) that determined claimant was not eligible for benefits because she had not earned wages for insured work equal to ten times her weekly benefit amount since her disqualifying separation from employer on October 8, 2019.

A telephone hearing was held on September 11, 2020. The parties were properly notified of the hearing. The claimant participated personally. Good Samaritan Society Inc (employer/respondent) did not register a number for the hearing and did not participate.

Official notice was taken of the administrative record.

ISSUES:

Has the claimant requalified for benefits since the separation from this employer?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds:

Claimant's weekly benefit amount is \$388.00. The administrative record shows claimant has earned wages in excess of ten times that amount since the separation from employer on October 8, 2019.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(2)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The disqualification shall continue until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Code section 96.19(18)g(6), (7), and (8) provides:

g. The term "employment" shall not include:

(6) Service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university or by the spouse of such student, if such spouse is advised, at the time such spouse commences to perform such service, that the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and such employment will not be covered by any program of unemployment insurance.

(7) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program taken for credit at such institution, which combines academic instruction with work experience, if the service is an integral part of the program and the institution has so certified to the employer, except that this subparagraph does not apply to service performed in a program established for or on behalf of an employer or group of employers.

(8) Service performed in the employ of a hospital if such service is performed by a patient of the hospital.

The claimant has requalified for benefits since the separation from the employer. Claimant's weekly benefit amount is \$388.00. The administrative record shows claimant has earned wages in excess of ten times that amount since the separation from employer on October 8, 2019. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The decision dated July 21, 2020 (reference 03) that determined claimant was not eligible for benefits because she had not earned wages for insured work equal to ten times her weekly benefit amount since her disqualifying separation from employer on October 8, 2019 is REVERSED. Benefits are allowed and the account of the employer shall not be charged.



Andrew B. Duffelmeyer
Administrative Law Judge
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September 14, 2020
Decision Dated and Mailed

abd/sam