

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DONALD D LAURITSEN
Claimant

RYDER INTEGRATED LOGISTICS INC
Employer

APPEAL 18A-UI-04299-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/25/18
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 29, 2018, (reference 02) unemployment insurance decision that denied benefits based upon a discharge from employment. The parties were properly notified about the hearing. A telephone hearing was held on May 2, 2018. Claimant participated. Employer participated through human resources representative Jenna Tate and Travis Driscoll.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time local driver. The separation date was November 6, 2017. He started on January 1, 2018, working for West Side Transport Inc. and was separated on February 25, 2018. He started working again Friday, April 27, 2018. The administrative record reflects that since the separation from this employment and before filing his current claim effective February 25, 2018, claimant has worked in and been paid insured wages of at least ten times his weekly benefit amount. He did not have a prior claim related to the separation in November 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment but has since requalified for benefits.

Iowa Code section 96.5(2)a provides:

Causes for disqualification.

An individual shall be disqualified for benefits:

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 individual shall be disqualified for benefits 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.

The claimant's separation is disqualifying. However, the administrative law judge further concludes from information contained in the administrative record that 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 March 29, 2018, (reference 02) unemployment insurance decision is modified in favor of the appellant. The claimant was discharged from employment for reasons related to job misconduct, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged. Any benefits claimed and withheld on this basis shall be paid.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs