

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MASSAH B TENNIH**

Claimant

**APPEAL NO: 12A-UI-08426-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STAFFING SOLUTIONS**

Employer

**OC: 06/17/12**

**Claimant: Appellant (1)**

Iowa Code § 96.3 – Final Decision

Iowa Code § 96.5(2)a – Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's July 11, 2012 determination (reference 02) that disqualified him from receiving benefits and held the employer's account exempt from charge because this employment separation had been previously adjudicated in his previous benefit year. The claimant participated in the hearing with his attorney, Steve Clarke. Bill Vansloun, a manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Has the claimant's late May 2012 employment separation been previously adjudicated in a prior claim year?

**FINDINGS OF FACT:**

The claimant established a new benefit year during the week of June 17, 2012. His late May 2012 employment separation was addressed in the decision for 12A-UI-08425-DWT. This decision disqualified the claimant from receiving benefits as of May 27, 2012. The claimant has not earned ten times his weekly benefit amount or \$2,760.00 before he established his new benefit year during the week of June 17, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

Since the claimant has not earned ten times his weekly benefit amount between May 27 and June 17, 2012, he remains disqualified from receiving benefits based on the decision issued for appeal 12A-UI-08425-DWT. (Iowa Code § 96.6(3)). If the claimant appeals the decision for 12A-UI-08425-DWT and it is reversed by a higher reviewing body, then the claimant would be qualified to receive benefits based on the reasons for his May 27, 2012 employment separation. But, he would not be eligible to receive benefits as of July 1, 2012, based on the availability issue addressed in the decision for appeal 12A-UI-08425-DWT.

**DECISION:**

The representative's July 11, 2012 determination (reference 02) is affirmed. Based on the decision for appeal 12A-UI-08425-DWT, the claimant is not qualified to receive benefits until he earns ten times his weekly benefit amount or \$2,760.00.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css