

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JONTAVIOUS J SANFORD
Claimant

APPEAL NO. 19A-UI-01584-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 12/30/18
Claimant: Appellant (4)

Iowa Code Section 96.5(1)(g) – Requalification

STATEMENT OF THE CASE:

Jontavious Sanford filed a timely appeal from the February 11, 2019, reference 03, decision that held he was disqualified for benefits and the employer's account would not be charged for benefits, based on the deputy's conclusion that Mr. Sanford voluntarily quit on July 3, 2018 without good cause attributable to the employer. After due notice was issued, a hearing was held on March 7, 2019. Mr. Sanford participated. Katy McMayon represented the employer. The hearing in this matter was consolidated with the hearing in Appeal Number 19A-UI-01585-JTT. The administrative law judge took official notice of the following Agency administrative records: database readout (DBRO) and quarterly wage reports (WAGE-A).

ISSUE:

Whether the claimant requalified for benefits subsequent to his separation from the employer and prior to establishing the original claim that was effective December 30, 2018.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Express Services, Inc. is a temporary employment agency. Jontavious Sanford was employed by Express Services and separated from the employer on June 28, 2018 upon completing a temporary work assignment. Mr. Sanford was subsequently employed by DRM, Inc., doing business as Arby's, for which employment he was paid wages totaling \$3,144.00. Subsequent to his separation from the Arby's employment, Mr. Sanford established the original claim for benefits that was effective December 30, 2018. At that time, Iowa Workforce Development calculated Mr. Sanford's weekly benefit amount at \$204.00.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1)g provides:

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

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.

Iowa Admin. Code r. 871-24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on Form 655323, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

This rule is intended to implement Iowa Code section 96.5(1)g.

The evidence in the record establishes that Mr. Sanford requalified for benefits between his separation from Express Services and the filing of the original claim that was effective December 30, 2018. Mr. Sanford requalified by earning 10 times his \$204.00 weekly benefit amount (\$2,040.00) from insured work subsequent to the separation from Express Service and prior to the December 30, 2018 original claim. Because Mr. Sanford requalified for benefits after separating from Express Services, the administrative law judge need not further consider the separation from Express Services. Mr. Sanford is eligible for benefits in connection with the December 30, 2018 original claim provided he meets all other eligibility requirements. The employer's account shall not be charged for benefits. Benefits based on the wage credits from the Express Services employment for the period ending June 28, 2018 shall be assessed to the unemployment compensation fund.

DECISION:

The February 11, 2019, reference 03, decision is modified as follows. The claimant requalified for benefits subsequent to separating from the employer and prior to establishing the original claim that was effective December 30, 2018. Accordingly, the separation from Express Services on or about June 28, 2018 would not disqualify the claimant for benefits in connection with the December 30, 2018 original claim. The claimant is eligible for benefits in connection with the December 30, 2018 original claim provided he meets all other eligibility requirements. The employer's account shall not be charged for benefits. Benefits based on the wage credits from the Express Services employment for the period ending June 28, 2018 shall be assessed to the unemployment compensation fund.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs