

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HALEY J PAULUS-GRAYS
Claimant

APPEAL 24A-UI-00816-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BERTCH CABINET LLC
Employer

**OC: 12/17/23
Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quit from Employment
Iowa Code § 96.5(1)g – Voluntary Quit / Requalification

STATEMENT OF THE CASE:

On January 19, 2024, claimant Haley J. Paulus-Rays filed an appeal from the January 9, 2024 (reference 01) unemployment insurance decision that denied benefits, determining claimant voluntarily quit employment with Bertch Cabinet LLC on January 30, 2023 and did not show good cause for doing so. The Unemployment Insurance Appeals Bureau mailed notice of the hearing on January 29, 2024. Administrative Law Judge Elizabeth A. Johnson held a telephonic hearing at 8:00 a.m. on Friday, February 9, 2024. Claimant Haley J. Paulus-Grays participated. Employer Bertch Cabinet LLC did not appear or participate. The administrative law judge took official notice of the administrative record.

ISSUES:

Did the claimant voluntarily quit without good cause attributable to the employer?
Has the claimant requalified for benefits by earning ten times her weekly benefit amount in insured wages since separating from employment?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for Bertch Cabinet LLC in January 2023. She worked full-time hours as a sander and stainer. Claimant's employment ended on January 30, 2023, when she quit employment to accept a position with her family's company, Gutter Siding Solutions. After separating, claimant did work and earn wages of at least \$1,760.00 with Gutter Siding Solutions.

Claimant opened her claim for benefits effective December 17, 2023, due to a temporary layoff. IWD calculated her weekly benefit amount as \$176.00, based on the wages in her base period of employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant has requalified for benefits.

Iowa Code section 96.5(1)g provides:

An individual shall be disqualified for benefits:

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.

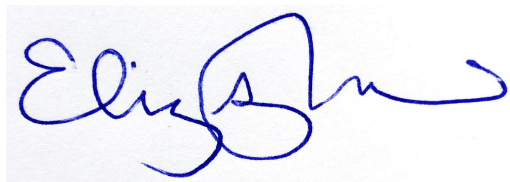
The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

The administrative record shows claimant earned \$1,760.00 – ten times her weekly benefit amount of \$176.00 – after separating from Bertch Cabinet LLC. By earning these wages, claimant has requalified for benefits. Accordingly, benefits are allowed and the account of employer Bertch Cabinet LLC shall not be charged.

DECISION:

The January 9, 2024 (reference 01) unemployment insurance decision is modified in favor of the claimant/appellant. Claimant voluntarily quit her employment and has requalified for benefits since separating from the employer. Benefits are allowed, provided she is otherwise eligible.

The account of Bertch Cabinet LLC (account 638222) shall not be charged.



Elizabeth A. Johnson
Administrative Law Judge

February 14, 2024
Decision Dated and Mailed

lj/scn

/SCNAPPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.