

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTOINE ROBINSON
Claimant

APPEAL NO. 11A-UI-03213-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORTHWESTERN PLASTICS LTD
Employer

**OC: 01/16/11
Claimant: Appellant (4)**

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The claimant, Antoine Robinson, filed an appeal from a decision dated March 10, 2011, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was scheduled to be held by telephone conference call on April 5, 2011. Prior to the hearing date, it was determined to be unnecessary.

ISSUE:

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

FINDINGS OF FACT:

Antoine Robinson filed a claim for unemployment benefits with an effective date of January 16, 2011, which established a weekly benefit amount of \$184.00.

The decision in the current case disqualified him from receiving unemployment benefits, as he had been discharged for excessive, unexcused absenteeism on June 22, 2010. The claimant has provided evidence to Iowa Workforce Development he has earned more than ten times his weekly benefit amount from a subsequent employer prior to filing his claim for benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

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 from this employer is a disqualifying event. But, he has requalified under the provisions of the above Code section by earning more than ten times his weekly benefit amount from another employer after his separation from employer, and prior to filing a claim for benefits.

DECISION:

The representative's decision of March 10, 2011, reference 03, is modified in favor of the appellant. Antoine Robinson is qualified for benefits, provided he is otherwise eligible.

The account of Northwestern Plastics shall not be charged with benefits paid to the claimant subsequent to June 22, 2010.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw