

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYRONE L SHIVERS
Claimant

APPEAL NO: 10A-UI-06205-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 03/21/10
Claimant: Respondent (4)

Section 96.5-1-g – Voluntary Quit/Re-Qualification

STATEMENT OF THE CASE:

The employer appealed a department decision dated April 14, 2010, reference 01, that held the claimant completed a temporary job assignment on March 11, 2010, and benefits are allowed. A telephone hearing was held on June 9, 2010. The claimant participated. Holly Carter, Unemployment Specialist, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked and completed a one-day assignment for the employer on February 11, 2009. The claimant was subsequently employed by Manpower Inc. of Des Moines, and earned substantially more than ten times his weekly benefit amount (\$1,560.00) in wages for insured work.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable due to the employer on February 11, 2009, but has re-qualified for benefits by earning ten times his weekly benefit amount.

The department erred by failing to note the correct separation from employment date. The record is clear the claimant has re-qualified for benefits since his February 11, 2009 separation from employment. The department practice is to issue a re-qualifying decision without the necessity of adjudicating the old separation that should have been done in this case. This decision relieves the employer of liability and allows the claimant benefits.

DECISION:

The department decision dated April 14, 2010, reference 01, is modified. The claimant voluntarily quit without good cause attributable to the employer on February 11, 2009, but has re-qualified with Manpower. Benefits are allowed, provided the claimant is otherwise eligible. The employer is not charged for benefits paid to the claimant.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css