

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DUSTIN A BREWSTER
Claimant

APPEAL NO. 13A-UI-00882-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OBERBRECKLING CONSTRUCTION
Employer

OC: 12/09/12
Claimant: Appellant (4-R)

Section 96.5-1 - Voluntary Quit Requalification

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 18, 2013, reference 02, that concluded he quit employment without good cause attributable to the employer. A telephone hearing was held on February 26, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Dave Oberbreckling participated in the hearing on behalf of the employer. The parties agreed that a decision could be made based on the claimant's having requalifying wages from his most recent employer, Gil's Tree Service.

ISSUE:

Has the claimant requalified to receive unemployment insurance benefits since his separation on August 17, 2012?

FINDINGS OF FACT:

The claimant worked for the employer until he voluntarily quit on August 17, 2012.

After he quit he accepted employment with Gil's Tree Service where he worked from September 24, 2012 to December 7, 2012. During this period, the claimant was paid wages totaling \$2,545.00, which were reported to Iowa Workforce Development as insured wages. The claimant filed a new claim for unemployment insurance benefits effective December 9, 2012, and his weekly benefit amount was determined to be \$254.00.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

Iowa Code § 96.5-1-g provides that a claimant is not subject to a voluntary quit disqualification if subsequent to the leaving, the claimant 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 was eligible to receive benefits effective December 9, 2012, because he had requalified after his separation from the employer based on the wages he received from Gil's Tree Service.

DECISION:

The unemployment insurance decision dated January 18, 2013, reference 02, is modified in favor of the claimant. He is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The employer's account is exempt from charge. The matter of unlocking the claim is remanded to the Agency.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css