

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS T SLOAN
Claimant

APPEAL NO. 07A-UI-11012-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MEISNER ELECTRIC INC
Employer

OC: 09/09/07 R: 02
Claimant: Appellant (1-R)

Section 96.5(2)a – Discharge for Misconduct/Requalification

STATEMENT OF THE CASE:

Thomas Sloan filed an appeal from a representative's decision dated September 14, 2007, reference 01, which held that the matter of his July 20, 2006 separation from Meisner Electric, Inc. had been adjudicated on a prior claim and remained in effect. Due notice was issued scheduling a hearing by telephone on December 11, 2007. Based on documentation provided by Mr. Sloan with his appeal, a hearing was deemed unnecessary. Mr. Sloan agreed to have a requalification decision issued without benefit of a hearing. The employer notified the Appeals Bureau that it would not be participating.

ISSUE:

At issue in this matter is whether Mr. Sloan has requalified for job insurance benefits after his July 20, 2006 separation from Meisner Electric, Inc.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Sloan filed a claim for job insurance benefits effective September 11, 2005. His weekly benefit amount was determined to be \$324.00. He filed an additional claim effective July 23, 2006 after his July 20, 2006 separation from Meisner Electric, Inc. On August 22, 2006, Workforce Development issued a decision denying benefits on a finding that Mr. Sloan had been discharged for disqualifying misconduct. The decision became final in the absence of an appeal.

Mr. Sloan began working for Allied Construction Services, Inc. in May of 2007. According to the pay stub he submitted with his appeal, he had year-to-date gross earnings of \$11,927.47 through the payroll period ending October 29, 2007. He filed his current claim effective September 9, 2007.

REASONING AND CONCLUSIONS OF LAW:

Mr. Sloan did not timely appeal the decision of September 14, 2007 holding that his separation had been previously adjudicated on a prior claim. However, that does not prevent the

administrative law judge from adjudicating whether he has requalified for benefits since the disqualifying separation. The disqualification was imposed on the 2005 claim when Mr. Sloan's weekly benefit amount was \$324.00. Therefore, in order to requalify for benefits, he had to earn at least \$3,240.00 in insured wages after July 20, 2006, the date of his disqualifying separation from Meisner Electric, Inc.

Mr. Sloan had earned at least \$3,240.00 in insured wages when he filed his claim effective September 9, 2007. He had gross earnings of over \$11,000.00 during the period from May through October 29, 2007. The administrative law judge is satisfied that at least half of that total had been earned before he filed for benefits effective September 9, 2007. Therefore, the administrative law judge is satisfied that Mr. Sloan had earned at least \$3,240.00 before he filed his current claim. As such, he had requalified for benefits as required by Iowa Code section 96.5(2)a.

Benefits paid to Mr. Sloan as a result of the decision herein shall not be charged to the account of Meisner Electric, Inc. This matter shall be remanded to Claims to unlock the claim and pay benefits.

DECISION:

The representative's decision dated September 14, 2007, reference 01, is hereby affirmed. The matter of Mr. Sloan's separation from Meisner Electric, Inc. was adjudicated on a prior claim and remains in effect. Mr. Sloan has requalified for benefits by earning at least ten times his weekly benefit amount in insured wages since the disqualifying separation. Benefits are allowed effective September 9, 2007, provided he satisfies all other conditions of eligibility. Meisner Electric, Inc. will not be charged for benefits paid to Mr. Sloan. This matter is remanded to Claims to unlock the claim.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css