

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KATHERINE N SAMS

Claimant

APPEAL 15A-UI-08890-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BAXTER COMM SCHOOL DISTRICTS

Employer

OC: 07/12/15

Claimant: Appellant (4)

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 6, 2015, (reference 03) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment to return to school which was not a good cause reason attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was scheduled to be held on August 28, 2015. However, no hearing was held as there was sufficient information in the administrative record, specifically the claimant's claims history, to resolve the matter.

ISSUE:

Has the claimant requalified for benefits since the separation from this employer?

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes whether the claimant voluntarily left the employment with or without good cause attributable to the employer is moot as she has since requalified for benefits.

Iowa Code § 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 from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 102434) shall not be charged.

DECISION:

The August 6, 2015, (reference 03) unemployment insurance decision is modified in favor of the appellant. The issue of whether the claimant's separation was disqualifying is moot as she has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/pjs