

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

<p>TOYO LOVETTE Claimant</p> <p>CDS GLOBAL INC Employer</p>	<p>68-0157 (9-06) - 3091078 - EI</p> <p>APPEAL NO: 12A-UI-14325-BT</p> <p>ADMINISTRATIVE LAW JUDGE DECISION</p> <p>OC: 11/11/12 Claimant: Respondent (4)</p>
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Iowa Code § 96.5(2)a – Discharge/Misconduct/Requalification

STATEMENT OF THE CASE:

CDS Global, Inc. (employer) appealed an unemployment insurance decision dated December 5, 2012, reference 01, which held that Toyo Lovette (claimant) was eligible for unemployment insurance benefits. After due notice was issued, a hearing was scheduled to be held on January 9, 2013. Because the claimant has requalified for benefits no testimony was necessary and no hearing was held. Based on the evidence and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant has requalified for benefits since the separation from this employer.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant has requalified for benefits since the separation from CDS Global (account number 171873).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has requalified for benefits.

Iowa Code § 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 has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The unemployment insurance decision dated December 5, 2012, reference 01, is modified in favor of the appellant. The claimant has requalified for benefits since the separation and since the prior claim year separation decision. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

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