

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERRY A WELLS
Claimant

APPEAL 18O-UI-04744-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REBITRZER'S BAR & GRILL LLC
Employer

**OC: 12/24/17
Claimant: Respondent (4)**

Iowa Code Chapter 96 – Requalification
Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 12, 2018, (reference 01) unemployment insurance decision that allowed benefits and found the protest untimely. The decision was affirmed by an administrative law judge in Appeal Number 18A-UI-02373-SC-T. Employer appealed the decision to the Employment Appeal Board (EAB). The EAB reversed the decision and found the protest timely in Appeal Number 18B-UI-02373. The EAB also remanded the case to the Unemployment Insurance Appeals Section for a decision on the merits of the case. No additional hearing was scheduled or held as there was sufficient evidence in the administrative record, appeal letter and accompanying documents to resolve the matter without testimony in favor of both parties.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: The EAB has determined the employer's protest is timely. The claimant has requalified for benefits by earning ten times his weekly benefit amount since the separation from the employer.

REASONING AND CONCLUSIONS OF LAW:

The EAB has determined the employer's protest is timely. The administrative law judge further concludes that 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. See Iowa Code § 96.5(1).

DECISION:

The February 12, 2018, (reference 01) unemployment insurance decision is modified in favor of the appellant. The employer has filed a timely protest and the claimant has requalified for

benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (309854) shall not be charged.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn