

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENNETH H SAUERBRY
Claimant

APPEAL NO. 09A-UI-03936-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELITE TREE INC
Employer

**Original Claim: 02/08/09
Claimant: Appellant (1)**

Section 96.5-1-g – Worked In and Paid Wages for Ten Times Weekly Benefit Amount
Since Voluntary Quit

STATEMENT OF THE CASE:

The claimant appeal from a representative's decision dated March 6, 2009, reference 03, which held him not eligible to receive benefits, finding the claimant had not earned ten times his weekly benefit amount in insured work since being disqualified for a separation from employment on October 20, 2008. After due notice was issued, a telephone hearing was scheduled for and held on April 7, 2009. The claimant participated personally. The employer participated by Jeff Youngman.

ISSUE:

At issue in this matter is whether the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount after voluntarily leaving work without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered the evidence in the record, finds: The claimant voluntarily quit his employment with Elite Tree, Inc., on or about October 20, 2008. By a representative's decision dated December 4, 2008, the claimant was disqualified from receiving benefits until he earned wages for insured work equal to ten times his weekly benefit amount after his separation date from Elite Tree, Inc. The representative's decision has been affirmed (See Appeal No. 09A-UI-03935-NT). Mr. Sauerbry has not earned ten times his weekly benefit amount for insured work since the date of his disqualifying separation from Elite Tree, Inc, on October 20, 2008.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits.

Iowa Code section 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 evidence in the record establishes that the claimant voluntarily quit employment with Elite Tree, Inc., on October 20, 2008, for reasons not attributable to the employer. That decision has been affirmed (See Appeal No. 09A-UI-03935-NT). The claimant has not worked in and been paid wages for insured work equal to ten times his weekly benefit amount since the date of the disqualifying separation.

DECISION:

The representative's decision dated March 6, 2009, reference 03, is affirmed. The claimant has not earned ten times his weekly benefit amount for insured work since a disqualifying separation from Elite Tree, Inc., on October 20, 2008.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw