

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DERIK M WOODY
Claimant

APPEAL NO: 11A-EUCU-00861-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

J F SEHR INC
Employer

OC: 12/26/10
Claimant: Respondent (4)

Iowa Code § 96.7(2)a(2) – Employer Liability

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's December 8, 2011 determination (reference 03) that held the claimant eligible to receive benefits as of December 4, 2011, because he was then able to and available for work. The employer appealed because the Department had not issued a determination indicating whether the employer's account was subject to or exempt from charge.

The claimant participated in the hearing. Jerry Sehr appeared on the employer's behalf. Both parties agreed a decision could be made based on the information in the administrative record. The administrative law judge finds the claimant qualified to receive benefits as of December 4, and the employer's account will not be charged.

ISSUE:

Is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of December 26, 2010. A representative's January 31, 2011 determination (reference 02) held the claimant ineligible to receive benefits as of January 1, 2011, because he was not available to work. The claimant did not work for the employer after December 29, 2010.

The claimant filed claims for the weeks ending January 1 through 15, 2011. He did not receive any benefits for these weeks. He did not file any claims again until he reopened his claim the week of December 4, 2011.

After the claimant worked for the employer, but before he reopened his claim the week of December 4, 2011, he worked for another employer and earned more than ten times his weekly benefit amount.

REASONING AND CONCLUSIONS OF LAW:

An employer's account will not be charged for benefits paid to a claimant when he voluntarily quits employment without good cause or the employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.7(2)a(2). A claimant is disqualified from receiving unemployment insurance benefits until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. 871 IAC 24.28(5), 871 IAC 24.32(1)b.

Regardless of the reason for the claimant's employment separation, he earned requalifying wages by the time he reopened his claim the week of December 4, 2011. This means that based on the reasons for this employment separation, the claimant is qualified to receive benefits as of December 4, 2011. The employer's account will not be charged for benefits paid to the claimant as of December 4, 2011, or any subsequent benefit year.

DECISION:

The representative's December 8, 2011 determination (reference 03) is modified in the employer's favor. The claimant is eligible to receive benefits as of December 4, 2011, because he earned requalifying wages after his employment ended with the employer. The employer's account will not be charged for any benefits as of December 4, 2011, or any subsequent benefit year.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css