

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW A VANDERPOL**  
Claimant

**APPEAL NO. 10A-UI-00937-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DUNSBERGEN CONSTRUCTION SVCS INC**  
Employer

**Original Claim: 12/13/09  
Claimant: Respondent (4)**

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

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the January 12, 2010 (reference 01) decision that allowed benefits. After due notice was issued, a telephone conference hearing was held on February 26, 2010. Claimant participated. Employer participated through Tim Dunsbergen.

**ISSUE:**

The issue is whether claimant voluntarily left the employment with good cause attributable to the employer and if he requalified for benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did not leave to accept other employment but has requalified for benefits since the separation from Simmons Construction (account number 292324).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer but has 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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

The claimant did not leave to accept other employment. However, the administrative law judge further 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 308186) shall not be charged.

**DECISION:**

The January 12, 2009 (reference 01) decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer but 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.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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