

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELVIN BANKS
Claimant

CARNEY DISTRIBUTING CORP
Employer

**APPEAL 20A-UI-14321-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/02/20
Claimant: Appellant (4)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the November 4, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on January 11, 2021, at 2:00 p.m. Claimant participated. Employer did not participate. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time Delivery Driver from March 18, 2020 until his employment with Carney Distributing ended on June 30, 2020, when claimant resigned because the work was too physically demanding. Claimant did not have another job lined up prior to quitting his employment with Carney Distributing.

Claimant began work with Express Employment Professionals on July 6, 2020. Between July 6, 2020 and July 31, 2020, claimant earned \$1,573.00. (Exhibit A) Claimant filed an initial claim for benefits effective August 2, 2020. Claimant's weekly benefit amount is \$126.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant has requalified for benefits since separating from Carney Distributing.

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.

Based upon information contained in the administrative record, claimant has requalified for benefits since separating from Carney Distributing. Accordingly, benefits are allowed and the account of the employer (account number 195506-000) shall not be charged.

DECISION:

The November 4, 2020 (reference 01) unemployment insurance decision is modified in favor of the appellant. Claimant has requalified for benefits since the separation. Benefits are allowed provided claimant is otherwise eligible. Employer's account (number 195506-000) shall not be charged.



Adrienne C. Williamson
Administrative Law Judge
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January 28, 2021
Decision Dated and Mailed

acw/scn