

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOEL N ALEXANDER
Claimant

ANNA ENTERPRISES
Employer

APPEAL 17A-UI-13188-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/26/17
Claimant: Respondent (4R)

Iowa Code Chapter 95 – Requalification
Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment

STATEMENT OF THE CASE:

The employer filed an appeal from the December 20, 2017 (reference 01) unemployment insurance decision that allowed benefits based upon a separation from employment. The parties were properly notified of the hearing. A telephone hearing was held on January 16, 2018. The claimant, Joel N. Alexander, did not register a telephone number at which to be reached and did not participate in the hearing. The employer, Anna Enterprises, participated through Virginia Aranda. Employer’s Exhibits 1 and 2 were received and admitted into the record. The administrative law judge took official notice of the administrative record.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Has the claimant requalified for benefits since the separation from this employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a welder, until July 26, 2017, when he voluntarily quit his employment. Claimant failed to show up for work on July 26, 2017. When he contacted the employer after the start of his scheduled shift, claimant reported that he had overslept. At that point, the employer considered claimant to have voluntarily quit his employment under its policy. (Exhibit 1). Claimant received a copy of the employer’s policy requiring him to request an additional assignment within three working days of his last assignment ending. (Exhibit 2) Claimant did not request any additional work, either on July 26 or on any subsequent day. The claimant has requalified for benefits since the separation from the employer. Claimant’s wage record shows he earned \$5,204.00 in insured wages from employer Central Iowa Fencing Ltd. (account number 510329) in the fourth quarter of 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer but has since requalified for 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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant's separation is disqualifying. 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 330162) shall not be charged. Claimant requalified for benefits based on wages from employer Central Iowa Fencing Ltd. It does not appear this separation has been the subject of a fact-finding interview as of the date of this decision. Therefore, this matter will be remanded for a determination based on that separation.

DECISION:

The December 20, 2017, (reference 01) unemployment insurance decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but he has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 330162) shall not be charged.

REMAND:

The issue of claimant's separation from employer Central Iowa Fencing Ltd. is remanded to the Benefits Bureau of Iowa Workforce Development for initial investigation and determination.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn