

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARELL LIVINGSTON
Claimant

APPEAL NO: 13A-UI-10593-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASTERTON PERSONNEL INC
Employer

OC: 06/16/13
Claimant: Appellant (4)

871 IAC 24.28(1) – Voluntary Quit Requalification

STATEMENT OF THE CASE:

The claimant appealed a representative's July 22, 2013 determination (reference 02) that disqualified him from receiving benefits because he had voluntarily quit his employment on November 14, 2012, for reason that do not qualify him to receive benefits. A hearing was scheduled on October 9, 2013.

On October 1, 2013, a determination (reference 03) was issued that held the claimant eligible to receive benefits because he had earned requalifying wages between November 14, 2012, and June 16, 2013. Also, the determination held the employer's account was not subject to charge.

As a result of the October 1, 2013 determination, this matter has been resolved and there is no need for a hearing on October 9, 2013.

FINDINGS OF FACT:

An October 1, 2013 determination (reference 03) held the claimant eligible to receive benefits and the employer's account was not subject to charge because the claimant had earned requalifying wages after November 14, 2012. The issue the claimant appealed has been resolved by the October 1, 2013 determination.

REASONING AND CONCLUSIONS OF LAW:

A claimant is eligible for benefits even when he voluntarily quits, if subsequent to leaving, the claimant works and is paid wages equal to ten times his weekly benefit amount. 871 IAC 24.28.

The hearing scheduled on October 9 is cancelled because the issue the claimant appealed has been resolved by the October 1, 2013 determination (reference 03).

DECISION:

The representative's July 22, 2013 determination (reference 02) that held claimant disqualified from receiving benefits has been modified in the claimant's favor by an October 1, 2013 determination (reference 03). Since the claimant earned requalifying wages, the issue he appealed has been resolved and he is qualified to receive benefits as of June 16, 2013. The employer's account will not be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs