

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOY E TIERNAN
Claimant

APPEAL NO. 10A-UI-00227-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROSS HOLDINGS LLC
Employer

OC: 08/02/09
Claimant: Appellant (2)

Section 96.5-1-g – Requalification for Benefits

STATEMENT OF THE CASE:

Joy E. Tiernan filed an appeal from an unemployment insurance decision dated August 28, 2009, reference 01, that disqualified her for benefits. The issue raised in the appeal letter was requalification. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required in this matter.

ISSUE:

Has the claimant requalified for benefits?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Joy E. Tiernan established a benefit year effective August 2, 2009. Her weekly benefit amount is \$232.00. Benefits were denied initially upon a finding that Ms. Tiernan had left employment with Ross Holdings, LLC, without good cause attributable to the employer. She then accepted employment with a company known as Prospector. She earned more than ten times her weekly benefit amount in wages for that company. The wages were reportable to the agency for unemployment insurance purposes. Ms. Tiernan then filed an additional claim for benefits effective December 6, 2009 after being laid off by Prospector.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant is now eligible to receive unemployment insurance benefits. She is. Iowa Code section 96.5-1-g allows an individual to requalify for unemployment insurance benefits by earning ten times the individual's weekly benefit amount in covered wages with a subsequent employer. Evidence in this record establishes that Ms. Tiernan has done so. She is, therefore, entitled to receive unemployment insurance benefits effective December 6, 2009. These benefits shall not be charged to the account of Ross Holdings, LLC.

DECISION:

The decision dated August 28, 2009, reference 01, denying benefits to Ms. Tiernan is reversed. She has requalified and is entitled to receive unemployment insurance benefits effective December 6, 2009, provided she is otherwise eligible. No benefits shall be charged to the account of Ross Holdings, LLC.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs