

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HAMAD G KOKO AHMED**  
Claimant

**APPEAL NO: 09A-UI-17174-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 09/20/09**  
**Claimant: Respondent (4)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.28(2) – Requalification

**STATEMENT OF THE CASE:**

The employer appealed a representative's October 29, 2009 decision (reference 01) that concluded the he was qualified to receive benefits, and the employer's account was subject to charge because the claimant had had been laid off from work. A telephone hearing was held on December 21, 2009. The claimant did not respond to the hearing notice or participate in the hearing. Eloise Baumgartner appeared on the employer's behalf. Based on the administrative record, the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Is the claimant eligible to receive benefits based on the reasons for his employment separation with the employer?

Is the employer's account subject to charge?

**FINDINGS OF FACT:**

The claimant started working for the employer on June 17, 2008. The employer hired him to work full time. On March 18, 2009, the employer's records indicate the claimant asked to work part time, but he did not work after March 18, 2009.

The claimant established a claim for benefits during the week of September 20, 2009. The claimant's maximum weekly benefits amount is \$257.00.

The administrative record indicates the claimant worked for another employer during the third quarter of 2009. Prior to September 20, 2009, the claimant earned wages of at least \$3,550.00 from this subsequent employer.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is eligible to receive benefits even if he voluntarily quits without good cause or was discharged for work-connected misconduct when he earns requalifying wages that equal or exceed his weekly benefit amount. 871 IAC 24.28(2) and 871 24.32(1)(b). Since the claimant earned requalifying wages after he worked for the employer, but before he established his claim for benefits, he remains eligible to receive benefits as of September 20, 2009.

The employer's account will not be charged since the claimant requalified to receive benefits after he worked for the employer.

**DECISION:**

The representative's October 29, 2009 decision (reference 01) is modified in the employer's favor. The claimant remains qualified to receive benefits as of September 20, 2009, because he requalified to receive benefits by earning at least ten times his weekly benefit amount from a subsequent employer between March 18 and September 20, 2009. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css