

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ELENA C MARTINEZ
Claimant

CARISCH INC
Employer

APPEAL 15A-UI-06810-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/15
Claimant: Respondent (4)

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification

STATEMENT OF THE CASE:

The employer filed an appeal from the June 4, 2015, (reference 02) unemployment insurance decision that allowed benefits based upon the determination the claimant voluntarily quit her employer with good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on July 15, 2015. Claimant Elena Martinez participated on her own behalf. Employer Carisch, Inc. participated through Human Resources Assistant Nicole Hess and Regional Manager George Onisa. Employer's Exhibit 1 was received and admitted into the record with no objection.

ISSUES:

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 part-time as a crew member beginning January 13, 2014, and was separated from employment on August 30, 2014, when she voluntarily left her employment. On the day she quit going to work, the claimant took issue with her supervisor's conduct. She did not report the situation to anyone in management. The claimant just quit going to work. The administrative record reflects that since the separation from this employment the claimant has worked in and been paid insured wages of at least ten times her weekly benefit amount.

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. Benefits are allowed and the employer's account is not chargeable.

Iowa Code § 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 281108) shall not be charged.

DECISION:

The June 4, 2015, (reference 02) unemployment insurance decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/pjs