

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GENEVA F EARSERY
Claimant

APPEAL 17A-UI-07376-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AEROTEK INC
Employer

**OC: 06/25/17
Claimant: Appellant (4)**

Iowa Code § 96.5(1)g – Voluntary Leaving/Requalification
Iowa Code § 96.5(2)a – Discharge for Misconduct/Requalification

STATEMENT OF THE CASE:

Geneva F. Earsery (claimant) filed an appeal from the July 11, 2017, reference 02, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with Aerotek, Inc. (employer) and failed to provide sufficient evidence to show she had a good cause reason attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was scheduled for August 9, 2017. The employer provided notice that it would not be participating in the hearing. The claimant responded to the hearing notice instructions but no hearing was held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

ISSUE:

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: The claimant separated from this employer on November 23, 2016. The claimant filed her claim for benefits the week of June 25, 2017. 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 separated from this employer and has since requalified for benefits. Benefits are allowed, provided the claimant is otherwise eligible, and the employer's account shall not be charged.

Iowa Code section 96.5(1)g provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Code section 96.5(2)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The disqualification shall continue until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The reason for the claimant's separation from this employer is moot as, regardless of the reason, she has requalified for benefits since her separation from this employer. Accordingly, benefits are allowed, provided the claimant is otherwise eligible, and the account of the employer (account number 246849) shall not be charged.

DECISION:

The July 11, 2017, reference 02, unemployment insurance decision is modified in favor of the appellant. The claimant separated from the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 246849) shall not be charged.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn