

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI	
<b>CARYCIA N ARCHER-ROBB</b> Claimant	<b>APPEAL NO. 18A-UI-05334-JTT</b>
<b>TMONE LLC</b> Employer	<b>ADMINISTRATIVE LAW JUDGE DECISION</b>
	<b>OC: 04/15/18</b> <b>Claimant: Respondent (4)</b>

Iowa Code section 96.5(1)(g) – Requalification after Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the May 2, 2018, reference 02, decision that allowed benefits to the claimant provided she was otherwise eligible, based on the Benefits Bureau deputy's conclusion that the claimant did not accept an offer of employment with TMOne, L.L.C. on September 26, 2017, but did not have a valid unemployment insurance claim at the time. After due notice was issued, a hearing was held on May 25, 2016. Claimant Carycia Archer-Robb participated. Ciera Turner represented the employer. The parties waived formal notice regarding whether the claimant was discharged for misconduct in connection with the employment, whether the claimant was laid off, and whether the claimant voluntarily quit with or without good cause attributable to the employer. The administrative law judge took official notice of the following Agency administrative records: DBRO, DBIN, and WAGEA.

**ISSUE:**

Whether the claimant refused an offer of suitable work on or about September 26, 2017

Whether the claimant requalified for unemployment insurance benefits subsequent to a voluntary quit and prior to establishing the original claim for benefits that was effective April 15, 2018.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Carycia Archer-Robb was employed by TMone, L.L.C. until September 22, 2017, when she voluntarily quit. TMone has not offered Ms. Archer-Robb additional employment since the separation. Subsequent to the voluntary quit, Ms. Archer-Robb obtained new employment for which she was paid \$368.00 in wages for the fourth quarter of 2017 and \$2,944.00 in wages for the first quarter of 2018. In connection with her separation from the new employer, Ms. Archer-Robb established an original claim for benefits that was effective April 15, 2018. Iowa Workforce Development calculated Ms. Archer-Robb's weekly unemployment insurance benefit amount to be \$98.00. TMone is a base period employer for purposes of the claim.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant who fails to accept an offer of suitable employment without good cause is disqualified for benefits until the claimant earns 10 times his weekly benefit amount from insured work. See Iowa Code section 96.5(3)(a).

The May 2, 2018, reference 02, decision mischaracterized the relevant legal issue as a work refusal. TMone has offered no work to Ms. Archer-Robb since the September 22, 2017 separation. Accordingly, there was no work refusal to be considered.

The correct relevant issue to be adjudicated is whether Ms. Archer-Robb requalified for benefits subsequent to voluntary quit from TMone and prior to establishing the original claim for benefits that was effective April 15, 2018.

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.

The evidence in the record establishes that Ms. Archer-Robb did indeed requalify for unemployment insurance benefits subsequent to her separation from TMone and prior to establishing the original claim for benefits that was effective April 15, 2018 by working in and being paid wages for insured work that equaled 10 times her weekly benefit amount. Ms. Archer-Robb is eligible for benefits in connection with the April 15, 2018 original claim provided she is otherwise eligible. The employer account of TMone will not be charged.

**DECISION:**

The May 2, 2018, reference 02, decision is modified as follows. The claimant voluntarily quit effective September 22, 2017. Subsequent to the quit and prior to the April 15, 2018 original claim for benefits, the claimant requalified for benefits by working in insured work and being paid wages equal to 10 times her weekly benefit amount. The claimant is eligible for benefits in connection with the April 15, 2018 claim provided she is otherwise eligible. The employer's account will not be charged.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/rvs