

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAMANTHA L GARNER
Claimant

APPEAL NO: 11A-UI-13227-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NATIONWIDE MUTUAL INSURANCE CO
Employer

**OC: 09/04/11
Claimant: Appellant (4)**

871 IAC 24.28 – Voluntary Quit Requalification

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 29, 2011 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the hearing. The employer's witness was called for the employer, but was not available for the schedule hearing. The employer responded to the message left and called the Appeals Section after the hearing had been closed and the claimant had been excused. The hearing was not reopened.

Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant qualified to receive benefits and the employer's account exempt from charge.

ISSUE:

Is the claimant qualified to receive benefits when she earned ten times her weekly benefit amount after she worked for the employer, but before she established her claim and started filing weekly benefits?

FINDINGS OF FACT:

The claimant's last day of work for the employer was February 26, 2011. The claimant voluntarily quit her employment. After the claimant quit, she began working for another employer.

During the second quarter of 2011, the claimant earned gross wages of \$1,177.00 from the subsequent employer. During the third quarter of 2011, the claimant earned gross wages of \$7,395.00 from the subsequent employer.

The claimant established a claim for benefits during the week of September 4, 2011. She did not start filing weekly claims until the week ending October 1, 2011. The claimant's maximum weekly benefit amount is \$385.00.

REASONING AND CONCLUSIONS OF LAW:

A claimant is eligible to receive benefits even though she has been found disqualified from receiving benefits when subsequent to the disqualifying separation but before she files a claim for benefits she earns ten times her weekly benefit amount. 871 IAC 24.28.

The claimant established she earned requalifying wages or more than \$3,850.00 before she started filing weekly claims the week ending October 1, 2011. Therefore, as of September 25, 2011, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account will not be charged.

DECISION:

The representative's September 29, 2011 determination (reference 02) is modified in the claimant's favor. The claimant earned requalifying wages, more than \$3,850.00, after she worked for the employer but before she started filing weekly claims. As of September 25, 2011, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account will not be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css