

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREGORY F RALEIGH
Claimant

APPEAL NO. 10A-UI-08455-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST PROFESSIONAL STAFFING LLC
Employer

**OC: 01/17/10
Claimant: Appellant (4)**

Section 96.5-2-a – Discharge
Section 96.6-2 – Finality of Decision

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 1, 2010, reference 03, that concluded a decision had been made on the separation and remained in effect. A telephone hearing was held on July 29, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer. During the hearing, the claimant stated he was not appealing the decision dated June 1, 2010, but instead believed he was eligible for benefits because he had returned to work for the employer on February 12 and worked there until May 6 when he was laid off. Exhibit A-1 was admitted into evidence at the hearing. The claimant submitted wage records showing wages of \$4,530.00 after separated from the employer on January 20, 2010, which are admitted into evidence as Exhibit A.

ISSUES:

Did the decision dated February 16, 2010, become final?

Has the claimant requalified since his separation from employment?

FINDINGS OF FACT:

An unemployment insurance decision was mailed to the claimant's last-known address of record on February 16, 2010. The decision concluded he was discharged for work-connected misconduct on January 20, 2010, and stated the decision was final unless a written appeal was postmarked or received by the Appeals Section by February 26, 2010.

The claimant received the decision within the ten-day period for appealing the decision. He did not appeal it because he went back to work for the employer on February 12, 2010. He worked there until May 6 when he was laid off. The claimant submitted wage records showing wages of \$4,530.00 from February 12 through May 6, 2010. The claimant's weekly benefit amount is \$272.00.

REASONING AND CONCLUSIONS OF LAW:

The first issue in this case is whether the decision dated February 16, 2010, become final.

In a decision in Appeal 10A-UI-08454-SWT I concluded the the decision disqualifying the claimant effective January 20, 2010, was final since the claimant did not appeal it on time.

The nature of an unemployment disqualification, however, is a person is disqualified until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The claimant has presented proof of qualifying wages and his claim should be unlocked.

DECISION:

The unemployment insurance decision June 1, 2010, reference 03, is modified. The unemployment insurance decision disqualifying the claimant from receiving benefits remains in effect. The disqualification, however, should be removed because the claimant has presented proof of requalifying wages.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css