

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MORGAN JOHNSON**  
Claimant

**TRAER NURSING CARE CENTER  
DBA SUNRISE HILL CARE REH**  
Employer

**APPEAL 21A-UI-03319-AD-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1)g – Voluntary Quitting - Requalification

**STATEMENT OF THE CASE:**

On January 19, 2021, Morgan Johnson (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated January 12, 2021 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on March 22, 2020 for reasons not caused by employer.

A telephone hearing was held on March 23, 2021. The parties were properly notified of the hearing. The claimant participated personally. Deb Schlichting, Co-Director of claimant's current employer, participated as a witness for claimant. Traer Nursing Care Center DBA Sunrise Hill Care & Reh (employer/respondent) did not register a number for the hearing and did not participate.

Claimant's Exhibit 1 was admitted. Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Has the claimant requalified for benefits since the date of separation?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed a claim for benefits for each week from the benefit week ending April 4, 2020 through the benefit week ending August 22, 2020. Claimant began working for employer in September 2020 and resigned from employment there on October 10, 2020. Claimant has worked 40 hours per week at \$8.00 per hour for her current employer since that time, earning approximately \$320.00 per week. Claimant's weekly benefit amount is \$133.00. Ten times her weekly benefit amount is \$1,330.00. Claimant earned more than ten times her weekly benefit amount within five weeks of resigning from employer, or by November 14, 2020, as she earned approximately \$1,600.00 during that time. Claimant has not filed a claim for benefits since separating from employer.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated January 12, 2021 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on March 22, 2020 for reasons not caused by employer is REVERSED. Claimant is eligible for benefits during the weeks filed and has requalified for benefits since her separation, effective November 14, 2020.

Iowa Code section 96.5(1)a 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.

Claimant filed a claim for benefits for each week from the benefit week ending April 4, 2020 through the benefit week ending August 22, 2020. Claimant began working for employer in September 2020 and resigned from employment there on October 10, 2020. Claimant has worked 40 hours per week at \$8.00 per hour for her current employer since that time, earning approximately \$320.00 per week. Claimant's weekly benefit amount is \$133.00. Ten times her weekly benefit amount is \$1,330.00. Claimant earned more than ten times her weekly benefit amount within five weeks of resigning from employer, or by November 14, 2020, as she earned approximately \$1,600.00 during that time.

Claimant has not filed a claim for benefits since the date of separation from employer. Furthermore, claimant has earned wages for insured work equal to ten times her weekly benefit amount since separating from employer. Therefore the issue of whether claimant's separation from employment was disqualifying need not be addressed, as even if the separation was disqualifying she has not since filed for benefits and has requalified for benefits. Claimant is not disqualified from benefits during the weeks filed.

Because claimant has requalified for benefits since the date of separation, employer shall not be charged for benefits paid.

## **DECISION:**

The decision dated January 12, 2021 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on March 22, 2020 for reasons not caused by employer is REVERSED. Claimant is eligible for benefits during the weeks filed and has requalified for benefits since her separation, effective November 14, 2020.



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Andrew B. Duffelmeyer  
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March 25, 2021  
Decision Dated and Mailed

abd/ol