

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF INGHAM

KIMBERLY L. MARTINEZ,

Claimant-Appellant,

v

C.A. No. 10-422-AE

OLD WEST PROPERTIES LLC,

Hon. William E. Collette

Employer-Appellee,

and

STATE OF MICHIGAN, DEPARTMENT OF
ENERGY, LABOR AND ECONOMIC GROWTH,
UNEMPLOYMENT INSURANCE AGENCY

Appellee.

**JUDGMENT AND ORDER REVERSING DECISION OF
THE MICHIGAN EMPLOYMENT SECURITY BOARD OF REVIEW**

Claimant-Appellant filed a claim of appeal of a decision of the Employment Security Board of Review, and the Court having reviewed the certified record of proceedings and the written submissions of the parties, and having heard oral argument:

IT IS HEREBY ORDERED that the decision of the Employment Security Board of Review and the Claimant's disqualification under section 29(1)(a) is REVERSED, for the reasons stated below and on the record.

The record below established that while eligible for Unemployment Insurance benefits, Claimant accepted a job at Taco Bell which over the course of about a month she averaged between 5-10 hours per week at a pay of \$7.40 per hour. Claimant subsequently left her job due to the lack of hours.

Claimant had a benefit year in effect and quit within 60 days and was therefore entitled to application of the trial work period in Section 29(1)(a)(i) of the MESA. Because the job was unsuitable under the 70 percent rule of Section 29(6) of the MESA due to the lack of hours, claimant is not disqualified.

This Order resolves the last pending claim and closes the case.

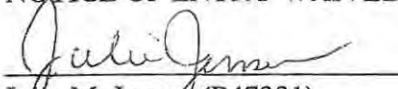
Dated: _____

12/6/10

WILLIAM E. COLLETTE

Circuit Court

APPROVED AS TO FORM
NOTICE OF ENTRY WAIVED

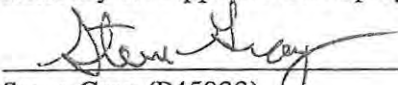


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