

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARRIE L FENNER**  
Claimant

**APPEAL NO. 10A-UI-02467-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BODEANS BAKING HOLDING COMPANY  
LLC**  
Employer

**OC: 12/27/09**  
**Claimant: Respondent (1)**

Iowa Code Section 96.6(2) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

The employer filed an appeal from the February 11, 2010, reference 04, decision that allowed benefits based on an Agency conclusion that the August 12, 2009, separation had already been adjudicated as part of a prior claim and that the prior adjudication remained in effect. After due notice was issued, a hearing was held by telephone conference call on March 31, 2010. Claimant Carrie Fenner participated. Jason Jauron, Human Resources Manager, represented the employer. The hearing in this matter was consolidated with the hearing in Appeal Number 10A-UI-02466-JTT. The administrative law judge hereby takes official notice of the decision entered in that matter.

**ISSUE:**

Whether the effect of the August 2009 separation on the claimant eligibility for benefits and the employer's liability for benefits has previously been adjudicated and whether such prior adjudication continues to bind the parties.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: On September 4, 2009, a Workforce Development representative entered a reference 03 decision that allowed benefits in connection with the claimant's August 2009 separation and that indicated the employer's account could be assessed for benefits paid to the claimant. The claimant has had but one period of employment with and one separation from the employer. The employer filed an untimely appeal from September 04, 2009, reference 03 decision months after the appeal due date and the reference 03 decision allowing benefits and assessing liability for benefits was affirmed on appeal. See Appeal Number 10A-UI-02466-JTT.

**REASONING AND CONCLUSIONS OF LAW:**

A finding of fact or law, judgment, conclusion, or final order entered by an employee or representative of Workforce Development, administrative law judge, or the employment appeal

board, is binding upon the parties to proceedings brought under the Employment Security Act. See Iowa Code section 96.6(4).

The August 12, 2009 separation was previously adjudicated by the September 04, 2009, reference 03 decision. The issue was decided in favor of the claimant and adverse to the employer. The claimant was deemed eligible for benefits, provided she was otherwise eligible, and the employer's account was deemed liable for benefits. The parties had appeal rights in connection with the prior adjudication. The employer exercised its right to appeal from the September 04, 2009, reference 03 decision, but filed an untimely appeal, and the reference 03 decision was affirmed on appeal. The employer maintains the right to appeal from the administrative law judge's decision in that matter. See Appeal Number 10A-UI-02466-JTT. But the parties are precluded from litigating the same issues anew as part of a new or additional claim.

**DECISION:**

The Agency representative's February 11, 2010, reference 04, decision is affirmed. The separation was previously adjudicated and that adjudication continues to bind the parties. The claimant remains eligible for benefits, provided she is otherwise eligible. The employer's account may be assessed for benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs