

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

KARIN S GISVOLD
PO BOX 195
NORWAY IA 52318

HART LEASING INC
PO BOX 2203
CEDAR RAPIDS IA 52406

Appeal Number: 05A-UI-11409-DWT
OC: 12/19/04 R: 03
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.6-2 – Previously Adjudicated

STATEMENT OF THE CASE:

Hart Leasing, Inc. (employer) appealed a representative's October 28, 2005 decision (reference 02) that concluded Karin S. Gisvold (claimant) was not disqualified from receiving benefits because her December 19, 2004 employment separation with the employer had been previously decided. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 22, 2005. The claimant participated in the hearing. Hal Hart appeared on the employer's behalf. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of December 19, 2004. The employer appealed a representative's decision that concluded the

claimant was qualified to receive unemployment insurance benefits. A hearing was held. An administrative law judge issued a decision on February 24, 2005 that concluded the claimant was eligible to receive benefits because the reasons for her employment separation were for nondisqualifying reasons. The Employment Appeal Board affirmed the February 24, 2005 decision.

The claimant filed claims through the week ending June 18, 2005. The claimant worked for another employer from August 22 through October 14. When this employment ended, the claimant reopened her claim during the week of October 16, 2005. The claimant filed a claim for the week ending October 25. She received her maximum weekly benefits amount of \$291.00 for this week. As of the week ending October 25, the claimant has received all the benefits she is entitled to receive for her current benefit year, December 19, 2004 through December 18, 2005.

When the claimant reopened her claim in mid-October, the employer did not understand why the Department sent the employer another notice of claim because the claimant had not worked for the employer since December 19, 2004. While the employer did not agree with the final decision regarding the reasons for the claimant's employment separation, the employer did not appeal the decision after the Employment Appeal Board affirmed the February 24, 2005 decision. The employer understood this was the final decision and the employment separation could not be adjudicated again.

REASONING AND CONCLUSIONS OF LAW:

A finding of fact or law, judgment, conclusion, or final order made by an administrative law judge or employment appeal board is binding only upon the parties to proceedings for unemployment insurance benefits. Iowa Code §96.6-4. Since the Employment Appeal Board affirmed an administrative law judge's February 24, 2005 decision and the employer did not appeal this decision again, the Employment Appeal Board's decision in this matter is final and the reasons for the claimant's December 19, 2004 employment separation cannot again be adjudicated. This means that if the claimant reopens her claim (as she did in October) or if she establishes a another benefit year (sometime after December 18, 2005) and the employer is still one of her base period employers, the decision holding the claimant qualified to receive benefits and the employer's account subject to charge cannot be adjudicated again.

DECISION:

The representative's October 28, 2005 decision (reference 02) is affirmed. The claimant's December 19, 2004 employment separation was adjudicated. A final decision was issued when the Employment Appeal Board affirmed an administrative law judge's February 24, 2005 decision and that decision remains in effect. Therefore, the claimant is not disqualified from receiving benefits based on the reasons for her employment separation with the employer. The employer's account cannot be relieved from charges.

dlw/tjc