

**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**

**RICHARD C HUFFSTUTLER  
7 FOREST VIEW DR  
COAL VALLEY IL 61240**

**INTERSTATE BRANDS CORPORATION  
c/o FRICK UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0280**

**Appeal Number: 04A-UI-01199-S2T  
OC: 11/09/03 R: 12  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-2-a – Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

Interstate Brands Corporation (employer) appealed a representative's January 27, 2004 decision (reference 04) that held the separation on January 28, 2003, of Richard Huffstutler (claimant) from his employment had been previously adjudicated. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 25, 2004. The claimant participated personally. The employer participated by Kelly Green, Human Resources Assistant.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The January 28, 2003, separation from the employer was adjudicated in a January 24, 2004, decision of Administrative Law Judge Marlon Mormann, issued under a 2003, claim year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Insomuch as the January 28, 2003, separation from the employer was adjudicated in a January 24, 2004, decision of Administrative Law Judge Marlon Mormann, issued under a 2003, claim year, this administrative law judge does not have jurisdiction to address that issue.

DECISION:

The representative's January 27, 2004 decision (reference 04) is affirmed. The January 28, 2003, separation at issue has been previously adjudicated.

bas/b