

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**RICARDO E GONZALEZ**

Claimant

**APPEAL 17A-UI-05633-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QPS EMPLOYMENT GROUP INC**

Employer

**OC: 04/30/17**

**Claimant: Appellant (1)**

Iowa Code § 96.6(3) – Appeals

Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights

Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 26, 2017, (reference 01) decision that denied benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on June 14, 2017. The claimant participated personally. The employer was represented by human resource manager, Rhonda Hefter de Santisteban. Melissa Janss, placement coordinator, also testified. Employer Exhibit 1 and Claimant Exhibit A were received into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether Mr. Gonzalez's job separation on October 13, 2016, was adjudicated in the prior claim year.

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated by Iowa Workforce Development during the claimant's previous benefit year (original claim date 05/01/16). That decision was appealed by the claimant and was the subject of a June 14, 2017 administrative appeal hearing in which both the employer and claimant participated. The administrative law judge decision issued following the administrative hearing in this matter affirmed the adjudicator's decision on the claimant's job separation from QPS Employment Group Inc. that had been made by Iowa Workforce Development on Mr. Gonzalez's previous benefit year. (See Appeal 17A-UI-05632-JC-T).

**REASONING AND CONCLUSIONS OF LAW:**

For reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated on a prior claim year, that the claimant filed an appeal and an administrative hearing was held on the separation and an administrative law judge decision has affirmed the decision made by Iowa Workforce Development adjudicated in the claimant's prior claim year.

Iowa Admin. Code r. 871-24.28(6) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(6) The claimant voluntarily left employment. However, there shall be no disqualification under Iowa Code section 96.5(1) if a decision on this same separation has been made on a prior claim by a representative of the department and such decision has become final.

The issue presented in this appeal was adjudicated in the Mr. Gonzalez's prior claim year (original claim date 05/01/16). Because the representative's decision dated May 26, 2017, reference 01, (new claim year 04/30/17) refers to the prior claim year's decision on the same separation from employment, the adjudicator's determination that the decision on Mr. Gonzalez's October 13, 2016 separation was made on a prior claim year, and remains in effect, is affirmed.

**DECISION:**

The May 26, 2017, reference 01, decision is affirmed. The prior decision on job separation remains in effect, pending the possibility of further appeal.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn