

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELA D LOWREY
Claimant

APPEAL NO: 13A-UI-01625-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 12/16/12
Claimant: Respondent (6)

871 IAC 24.28(6) - Separation Previously Adjudicated

STATEMENT OF THE CASE:

Advance Services, Inc. (employer) appealed an unemployment insurance decision dated January 14, 2013, reference 03, which held that Angela D. Lowrey (claimant) was eligible for unemployment insurance benefits. A previous decision regarding the claimant's separation from this employer was issued on January 9, 2013, reference 01, and the matter was scheduled for a telephone hearing to be held on February 12, 2013. Because the claimant's separation was addressed in Appeal Number 13A-UI-00397-BT, a hearing was deemed unnecessary. Based on the evidence 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 the matter was previously adjudicated and whether a hearing in this matter is necessary.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant's December 12, 2012 separation from Advance Services was found to be qualifying in a decision dated January 9, 2013, reference 01. The employer is listed as Advance Services Inc., Pella Windows since the claimant was assigned to work at Pella Windows. The employer appealed the decision and a hearing was held regarding the claimant's separation in Appeal Number 13A-UI-00397-BT. Consequently, that decision is controlling and will become final unless an appeal is filed.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant's separation from this employer has been previously adjudicated.

871 IAC 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.

A finding of fact or law, judgment, conclusion, or final order made by an employee or representative of Workforce Development, an administrative law judge, or the Employment Appeal Board is binding upon the parties in connection with proceedings pertaining to the Iowa Employment Security Act. See Iowa Code § 96.6(4). There was, in fact, a decision issued on January 9, 2013, concerning the separation.

The employer appealed the decision and a hearing was held regarding the claimant's separation in Appeal Number 13A-UI-00397-BT. Consequently, that decision is controlling and will become final unless an appeal is filed. In this matter, the evidence has established that the claim was previously adjudicated. The bureau is without authority to rehear this matter, as a decision was issued on the merits. The issue cannot be adjudicated a second time.

DECISION:

The unemployment insurance decision dated January 14, 2013, reference 03, is dismissed. The claimant's separation has been previously adjudicated and will become final in the absence of a timely appeal.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs