

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRIS D BAKER
Claimant

INGREDION INCORPORATED
Employer

APPEAL 21A-UI-23122-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/22/21
Claimant: Appellant (2)**

Iowa Code § 96.6(3) – Prior Adjudication

STATEMENT OF THE CASE:

On October 15, 2021, claimant Chris D. Baker filed an appeal from the October 5, 2021 (reference 02) unemployment insurance decision that denied benefits after a separation from employment. The parties were properly notified of the hearing. A telephonic hearing was held at 8:00 a.m. on Wednesday, December 29, 2021. The claimant, Chris D. Baker, participated. The employer, Ingredion Incorporated, did not appear for the hearing and did not participate. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the separation adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time with Ingredion Incorporated, most recently as a refinery operator, from October 2015 until September 25, 2020, when he was discharged. The separation at issue has been adjudicated in a prior claim year effective August 23, 2020, as the unemployment insurance decision dated December 8, 2020, reference 02. That decision in favor of the employer was reversed on appeal in 21R-UI-11699-DZ-T and has become final.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year.

Iowa Code section 96.6(3) provides:

3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for

contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.


Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

Inasmuch as the current decision is in conflict with the prior claim year decision, the current decision is reversed.

DECISION:

The October 5, 2021 (reference 02) unemployment insurance decision is reversed. This decision is in conflict with the prior claim year decision, which found the claimant eligible for benefits after the separation from employment.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

December 30, 2021
Decision Dated and Mailed

lj/lj