

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW LAMAR-RYAN
Claimant

LOWE'S HOME CENTERS LLC
Employer

APPEAL 20A-UI-10751-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/09/20
Claimant: Respondent (4)

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

STATEMENT OF THE CASE:

Employer filed an appeal from the September 17, 2020 (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was held on October 21, 2020, at 2:05 p.m. Claimant participated. Employer participated through Bill Bruner, Assistant Store Manager, and Tami King, Department Supervisor. Employer's Exhibits E1 – E21 were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant's separation was adjudicated in a prior claim year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue was adjudicated in the prior claim year effective August 11, 2019, as evidenced by the decision issued on August 27, 2020 (reference 03) allowing benefits. Employer appealed the decision, which was reversed in appeal number 20A-UI-10750-AW-T. As a result, benefits were denied.

REASONING AND CONCLUSIONS OF LAW:

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

No disqualification is imposed 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. Iowa Admin. Code r. 871-24.28(6-8) and 871-24.19(1). In this case, the decision was reversed on appeal resulting in a denial of benefits. Inasmuch as the current decision is in conflict with the prior year claim decision, the current decision is modified in favor of appellant.

DECISION:

The September 17, 2020 (reference 01) unemployment insurance decision is modified in favor of appellant. The separation at issue was adjudicated in a prior claim year. The prior decision on the separation remains in effect.



Adrienne C. Williamson
Administrative Law Judge
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November 2, 2020
Decision Dated and Mailed

acw/sam