

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHARLES M COLEMAN
Claimant

MCANINCH CORP
Employer

APPEAL 17A-UI-00022-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/11/16
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 December 21, 2016, (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 January 24, 2017. The claimant participated personally. The employer did not register a phone number with the Appeals Bureau and did not participate. The administrative law judge took official notice of the administrative records including the initial decision dated December 7, 2016 (with an original claim date of December 13, 2015). 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:

Was the separation adjudicated in a prior claim year?
Was the issue adjudicated in a prior representative's decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior claim year and that decision has become final.

After the separation with Mcaninch Corporation on October 26, 2016, the claimant became reemployed. He worked for a second period of employment at Mcaninch Corporation from November 30, 2016 until December 9, 2016, when he was temporarily laid off. He has not returned to the employment and has no other wages.

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 and that decision has become final.

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.

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.

The separation issue presented was resolved in a prior claim year (original claim date December 13, 2015) as the representative's decision dated December 7, 2016, (reference 01). The current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The December 21, 2016, (reference 01) decision is affirmed. The prior decision on the separation remains in effect. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs