

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBEE K FRANK
Claimant

APPEAL NO. 10A-UI-08053-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ABCM CORPORATION
Employer

OC: 05/02/10
Claimant: Appellant (2)

871 IAC 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 1, 2010, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 21, 2010. Claimant participated. Employer participated by Julie Bothwell, Dietary Supervisor and Regina Haley, Human Resource Coordinator. Exhibits One, Two and Three were admitted into evidence.

ISSUE:

The issue in this matter is whether the claim was previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 29, 2010. Claimant went on a two-month vacation. Claimant worked about 100 hours per month before she went on vacation. Claimant was cut to 16 hours a month after coming back from vacation. Claimant quit due to a significant cut in the work hours.

The separation of employment April 29, 2010 was previously adjudicated by fact finding decision May 28, 2010, reference 01.

REASONING AND CONCLUSIONS OF LAW:

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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of May 28, 2010 reference 01. The bureau is without authority to rehear this matter as a decision was issued on the merits and is pending on appeal. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated June 1, 2010, reference 02, is moot. This matter has been previously adjudicated by another decision.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css