

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD A FOX
Claimant

VIZIENT MANUFACTURING SOLUTIONS
Employer

APPEAL 21A-UI-09442-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/07/21
Claimant: Appellant (4)

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/appellant, Richard A. Fox, filed an appeal from the March 30, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 18, 2021. The hearing was held together with 21A-UI-09444-JC-T. The claimant participated. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. Department Exhibit D-1 was admitted. The administrative law judge took official notice of the administrative records. 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.

ISSUES:

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 claimant was employed full-time at Vizient until March 12, 2020. Claimant filed a claim for benefits with an effective date of March 8, 2020 after his separation. An initial decision dated March 29, 2021 (reference 01, OC: 03/08/20) denied benefits to the claimant. Claimant filed an appeal to the decision and had a hearing on June 7, 2021. The administrative law judge reversed the denial of benefits based upon the separation. See Appeal 21A-UI-09441-WG-T.

Claimant then established a claim for benefits for a second benefit year effective March 7, 2021. The decision at issue has been adjudicated in a prior claim year.

REASONING AND CONCLUSIONS OF LAW:

For reasons that follow, the administrative law judge concludes the claimant's March 12, 2020 separation issue has been adjudicated on a prior claim year that the claimant filed an appeal and an administrative hearing was held on the merits, and an administrative law judge decision has reversed the decision made by Iowa Workforce Development adjudicated in the claimant's prior claim year.

Iowa Admin. Code r. 871-24.28(6) provides: Voluntary quit requalification's 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.

The issue presented in this appeal was adjudicated in claimant's prior claim year (original claim date March 8, 2020.). Because the representative's decision dated March 30, 2021 reference 01, (new claim year March 7, 2021) refers to the prior claim year's decision on the same issue of March 12, 2020 separation, there is no authority to have the matter re-decided simply because claimant filed a new claim in a different benefit year. This decision is modified in favor of claimant/appellant to be consistent with Appeal 21A-UI-09441-WG-T. Claimant is allowed benefits based upon his March 12, 2020 separation. See Appeal 21A-UI-09441-WG-T. Benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The March 30, 2021 (reference 01) initial decision is modified in favor of the claimant/appellant. The claimant's separation has been previously adjudicated in a prior benefits year. That decision is affirmed and this decision is modified in favor of claimant/appellant to be consistent with Appeal 21A-UI-09441-WG-T. Claimant's separation with Vizient Manufacturing Solutions is not disqualifying. Benefits are allowed, provided claimant is otherwise eligible.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

June 30, 2021
Decision Dated and Mailed

jlb/ol