

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

EDWARD L FINCH
Claimant

TEREX USA LLC
Employer

APPEAL NO. 16A-UI-10430-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/03/16
Claimant: Appellant (1)**

871 IAC 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 26, 2016, reference 08, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 7, 2016. Claimant participated personally. Employer participated by hearing representative Steven Zaks and witness Angie Scribner.

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 August 21, 2015.

Claimant quit on August 21, 2015.

This matter was adjudicated in a decision following a hearing on October 7, 2016, and by appeal number 16A-UI-10428-B2T.

REASONING AND CONCLUSIONS OF LAW:

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.

In this matter, the evidence has established that the claim was previously adjudicated by a decision following a hearing on October 7, 2016 reference 03. The bureau is without authority

to rehear this matter as a decision was issued on the merits. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated September 26, 2016, reference 08, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs