

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELODY A JOHNSON
Claimant

APPEAL NO. 12A-UI-01303-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SDI OF OTTUMWA LLC
Employer

OC: 01/01/12
Claimant: Appellant (1)

Section 96.5-2-a – Prior Adjudication of Discharge for Misconduct
Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated January 30, 2012, reference 01, which held the claimant ineligible for unemployment insurance benefits due to a prior adjudication. After due notice, a telephone conference hearing was scheduled for and held on February 28, 2012. The claimant participated. The employer failed to respond to the hearing notice and did not participate. Official notice is taken of agency records.

ISSUE:

Whether the issue of the claimant's discharge for misconduct has been previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, makes the following findings of fact:

On November 28, 2011, an administrative law judge decision was issued that held the claimant was not eligible for unemployment insurance benefits due to misconduct. (11A-UI-08289-W) The claim had been established on December 2, 2011. On February 20, 2012, the Employment Appeal Board (EAB) affirmed the administrative law judge decision.

REASONING AND CONCLUSIONS OF LAW:

A finding of fact or law, judgment, conclusion, or final order made by an employee or representative of Workforce Development, an Administrative Law Judge, or the Employment Appeal Board (EAB), is binding upon the parties in connection with proceedings pertaining to the Iowa Employment Security Act. See Iowa Code § 96.6(4). In this case, a decision was entered by the EAB on February 10, 2012, which held that the claimant was not eligible for unemployment insurance benefits. That decision is binding. The claimant was discharged for misconduct and is not eligible for unemployment insurance benefits.

DECISION:

The representative's decision dated January 30, 2012, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw