

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT CARPENTER
Claimant

APPEAL NO. 12A-UI-04329-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES INC
Employer

OC: 03/25/12
Claimant: Appellant (1)

Section 96.6-3 - Finality of Decision

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 5, 2012, reference 01, that concluded a decision on the claimant's separation from employment was made on a prior claim and remained in effect. A telephone hearing was held on May 9, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Lennie Zieser participated in the hearing on behalf of the employer.

ISSUE:

Was a decision on the claimant's separation from employment made on a prior claim and does it remain in effect?

FINDINGS OF FACT:

The claimant appealed an unemployment insurance decision dated January 31, 2012, reference 07, that concluded he was disqualified from receiving unemployment insurance benefits because he was discharged for work-connected misconduct on December 20, 2011.

A telephone hearing was held on March 1, 2012. No decision has been issued yet.

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 25, 2012, after his first benefit year expired. There is no evidence that the claimant had been paid wages for insured work equal to ten times his weekly benefit amount since his separation in December 2011.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the decision dated January 31, 2012, reference 07, is still in effect, which prevents the parties from adjudicating the issue again.

The law states that an unemployment insurance decision is final unless a party appeals the decision within ten days after the decision was mailed to the party's last known address. Iowa Code § 96.6-2.

In the present case, the claimant appealed the decision dated January 31, 2012, and the outcome of that appeal will determine his eligibility for benefits for each benefit year. He is not allowed to have the matter decided again simply because he filed a new claim in a different benefit year.

DECISION:

The unemployment insurance decision dated April 5, 2012, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css