

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BRENT E PINGEL**  
Claimant

**ADVANCE SERVICES INC**  
Employer

**APPEAL 17A-UI-06189-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/21/17  
Claimant: Appellant (2)**

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 filed an appeal from the June 15, 2017 (reference 02) unemployment insurance decision that found claimant was not eligible to receive unemployment insurance benefits because a decision on the May 9, 2017 separation was made on a prior claim and that decision remains in effect. The parties waived due notice of the hearing pursuant to Iowa Admin. Code r. 871-26.6(2). A telephone hearing was held on June 28, 2017. The claimant, Brent Pingel, participated personally and was represented by Attorney Alyssa Herbold. The employer, Advance Services Inc., participated through witness Steve Volle. Claimant's Exhibits A and B were admitted. Employer's Exhibits 1 and 2 were admitted.

**ISSUE:**

Was the separation adjudicated in a prior claim year?

**FINDINGS OF FACT:**

Having reviewed the claimant's administrative record, the administrative law judge finds: The separation issue presented was resolved in a prior claim year (original claim date May 22, 2016) as the representative's decision was dated June 1, 2017 (reference 03). Claimant filed a timely appeal from that decision and the decision has been reversed (17A-UI-06065-DB-T).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year and that decision has been reversed. Accordingly, this decision is also reversed.

Iowa Admin. Code r. 871-24.28(7) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(7) 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 the administrative law judge and such decision has become final.

871IAC 24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

The separation issue presented was resolved in a prior claim year (original claim date May 22, 2016) as the representative's decision was dated June 1, 2017 (reference 03). Claimant appealed that decision and it has since been reversed (17A-UI-06065-DB-T). As such, this current decision, referring to the prior claim year decision on the same separation date, is reversed. Benefits are allowed, provided claimant is otherwise eligible.

**DECISION:**

The June 15, 2017 (reference 02) decision is reversed since the prior decision on the separation has been reversed. Benefits are allowed, provided the claimant is otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/rvs