

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT W FREEMAN
Claimant

APPEAL NO: 10A-UI-04611-D

**ADMINISTRATIVE LAW JUDGE
DECISION**

JG SERVICE / JEFF GOULD
Employer

OC: 02/14/10
Claimant: Appellant (1)

Section 96.6-2 - Prior Adjudication

STATEMENT OF THE CASE:

Robert W. Freeman (claimant) appealed a representative's March 18, 2010 decision (OC 02/14/10 – reference 01) that concluded he was not qualified to receive unemployment insurance benefits because of a prior determination made regarding a refusal of an offer of work with JG Service / Jeff Gould (employer). Hearing notices were mailed to the parties' last-known addresses of record for an in-person hearing to be held on April 28, 2010. This appeal was consolidated for hearing with two related appeals, 10A-UI-04610-D and 10A-UI-04740-D. The claimant participated in the hearing and was represented by Jamie Deremiah, Attorney at Law. Jeff Gould appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is there a prior determination on the merits of this appeal that is binding on the parties and the outcome of this appeal?

FINDINGS OF FACT:

The claimant established an unemployment insurance benefit year effective February 15, 2009. He filed weekly claims and received unemployment insurance benefits from the week ending February 21, 2009 through February 13, 2010. Once the claimant's 2009 claim year expired as of February 13, 2010; he filed to establish a second claim year effective February 14, 2010. An Agency representative issued a determination dated March 17, 2010 (OC 02/15/09 - reference 01), based on the claimant's 2009 claim year. That determination concluded that the claimant was not eligible for benefits as of May 21, 2009 due to a refusal of an offer of work. In the concurrently issued decision in 10A-UI-04610-D, that determination has been affirmed with the modification that the disqualification is effective as of May 28, 2009.

Due to the creation of the second benefit year, another representative's decision was issued dated March 18, 2010 (OC 02/14/10 – reference 01), the subject of this appeal. That decision carries the effect of the (OC 02/15/09 – reference 01) determination into the new claim year.

REASONING AND CONCLUSIONS OF LAW:

If a prior determination has been made on the same issue and becomes final, the decision on that issue will be binding on the parties in related proceedings. Iowa Code § 96.6-2.

The establishment of a new claim year does not negate or erase the affect of the prior determination. As the prior determination has been affirmed as modified in the concurrently issued decision in appeal 10A-UI-04810-D, the claimant's disqualification until requalification carries over into his new claim year.

DECISION:

The representative's March 18, 2010 decision (OC 02/14/10 – reference 01) is affirmed. The claimant is not qualified to receive unemployment insurance benefits until he has requalified.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css