

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHARON M JONES
Claimant

US POSTAL SERVICE
Employer

APPEAL NO. 15A-UCFE-00017-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/17/15
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 May 29, 2015, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 8, 2015. Claimant participated personally. Employer failed to answer the phone when called for the hearing and did not participate.

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 December 1, 2014.

Claimant quit on December 1, 2014 because claimant had severe gastrointestinal problems for which she needed surgery. The problems were not work related. Claimant filed for unemployment benefits, and that claim was denied by the fact finder on January 21, 2015. Claimant appealed that matter, and the denial was upheld by ALJ Golden. That decision was appealed to the Employment Appeal Board. The Employment Appeal Board reversed and remanded the decision.

This matter was adjudicated by this administrative law judge in a decision dated May 19, 2015, and by appeal number 15R-UCFE-00012-B2T. This matter was also addressed by the fact finder on May 29, 2015 who found that this matter had been previously adjudicated. Claimant appealed, and rather than that appeal being to the Employment Appeal Board of ALJ Bennett's decision, the appeal was seen as an appeal of the fact-finding decision and sent to ALJ Bennett for a decision on whether the matter had been previously adjudicated.

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 § 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.

It appears in this matter that there may have been confusion on the part of IWD workers. Claimant had a previous case dealing with this issue that was remanded by the Employment Appeal Board on April 10, 2015. This administrative law judge heard the remand and issued a decision on May 19, 2015. The decision denied benefits. Claimant appears to have appealed that decision.

For the purposes of this matter, the evidence has established that the claim was previously adjudicated by decision of January 21, 2015 reference 03 under the original claim date of May 18, 2014. The Bureau is without authority to rehear this matter as a decision was issued on the merits and should have been addressed by the Employment Appeal Board.

DECISION:

The decision of the representative dated May 29, 2015, reference 01, 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. Should claimant choose to appeal this decision, the Employment Appeals Board may choose to determine whether it should allow for the appeal of the earlier decision entered by this ALJ, or simply address this decision.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css