

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIE A SMITH
Claimant

APPEAL NO. 10A-UI-17310-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ABV MANAGEMENT INC
d/b/a BACHELORS LIBRARY
Employer

OC: 09/19/10
Claimant: Appellant (2)

Section 96.5-2-a – Discharge
Section 96.6-3 – Administrative Law Judge Decisions

STATEMENT OF THE CASE:

Julie A. Smith filed an appeal from an unemployment insurance decision dated October 22, 2010, reference 02, that disqualified her for benefits. After reviewing all matters of record, the administrative law judge concludes that an evidentiary hearing is not required.

ISSUE:

Have the unemployment insurance consequences of this separation been adjudicated previously?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: On October 12, 2010 a fact finder issued a decision involving the unemployment insurance consequences of Julie A. Smith's separation from employment with Romantix, Inc. on September 21, 2010. The decision was in Ms. Smith's favor. The employer appealed. On December 13, 2010 an administrative law judge decision was issued in appeal 10A-UI-14560-JTT. It affirmed the decision allowing benefits to Ms. Smith.

On October 25, 2010, a different fact finder issued a decision denying benefits to Ms. Smith following the same separation from employment. In that case, the employer was identified as ABV Management, Inc. ABV Management and Romantix, Inc. are one and the same employer.

The Appeals Bureau did not immediately recognize that the two employers were the same and did not consolidate the cases on appeal.

REASONING AND CONCLUSIONS OF LAW:

The question is whether this administrative law judge has authority to determine whether Ms. Smith's separation from employment was a disqualifying event. The administrative law judge concludes that he lacks jurisdiction because another administrative law judge has already

ruled in the claimant's favor. Unless or until that decision is reversed upon appeal to the Employment Appeal Board, that administrative law judge decision is controlling. See Iowa Code section 96.6-3.

DECISION:

The unemployment insurance decision dated October 25, 2010, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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