

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**JODI A CHRIST**

Claimant

and

**C/O EQUIFAX: USPS**

Employer

**HEARING NUMBER: 17BUI-10667**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

**A REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION:** 96.6-2, 24.28(6-8)

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

We take official notice of the monetary record in this matter. We have taken official notice of this record because the contents of the monetary record is such that its "accuracy cannot reasonably be questioned." I. R. Evid. 5.201. Further, the contents of the monetary record are "within the specialized knowledge of the agency." Iowa Code §17A.14(4). We need not give prior notice that we intend to take this notice since "fairness to the parties does not require an opportunity to contest such facts." Iowa Code §17A.14(4). We note further that since this is a prior adjudication case, all decisions issued by the agencies in case UCFE-00029 are also part of the record in this case. These establish that the Claimant was disqualified for quitting work with the USPS and that the date of the quit was August 30, 2016. We also take notice that the Claimant's court appeal of case UCFE-00029 was voluntarily dismissed by the Claimant herself on October 31, 2017. Thus the determination made in case UCFE-00029 that the Claimant quit the USPS on August 30, and that she was disqualified for that quit are final and binding. *Hensley v. Iowa Dept. of Job Service*, 336 N.W.2d 448 (Iowa 1983); *Walker v. Iowa Dept. of Job Service*, 351 N.W.2d 802 (Iowa 1984); 871 IAC 24.28; *Franklin v. Iowa Dep't of Job Serv.*, 277 N.W.2d 877, 881 (Iowa 1979) ("Once an agency decision has become final, there is no statutory authorization for subsequent agency review."); *C.f. Osaro v. Iowa Dept. Public Health*, No. 15-1051, slip op. at 3 (Iowa App. 6-15-2016).

As noted, the prior determination establishes that the Claimant was disqualified based on a quit with the Employer occurring on August 30, 2016. This means for our purposes the last day the Petitioner “worked” for the USPS is August 30. In order to requalify for benefits, regardless of whether we issue today’s “prior adjudication” decision, the record must establish that “subsequent to the leaving, the [claimant] worked in and was paid wages for insured work equal to ten times the individual’s weekly benefit amount.” Iowa Code §96.5(1)(g). The Claimant argues she was *paid wages* by the USPS following her quit. But the Code specifically requires that the wages paid must be for work performed following the quit. One does not reattach to the labor market following a quit from an employer by being paid by that same employer for work performed before quitting. And even if we assume the date of the quit is later than August 30, the post-separation requalification period would then be moved later. The requalifying wages have to be *earned* after the disqualifying separation, not just paid after the disqualification separation. For example, wages *paid by* the USPS in October for work *performed before the disqualifying quit*, regardless of when the disqualifying quit is deemed to occur, cannot be used for requalification purposes. There is no question that the Claimant did not work for the USPS after she quit the USPS and thus wages paid to her from the USPS necessarily are paid for work performed prior to the separation. Such wages cannot be used for requalification. Thus Workforce issued a decision on October 12, 2017 finding that the Claimant had not requalified following the disqualifying separation from the USPS on August 30. The Claimant has not appealed *that* determination, and in any event the monetary record establishes the lack of requalification. That record further establishes that the Claimant does not have qualifying wages sufficient to establish a second benefit year unless she is allowed to draw on the wages earned with the USPS. Thus the Claimant remains disqualified based on the decision in case UCFE-00029 until she requalifies by working in and being paid wages in insured work equal to ten times her weekly benefit amount.

Claimant submitted additional evidence to the Board which was not contained in the administrative file and which was not submitted to the administrative law judge. While the additional evidence was reviewed for the purposes of determining whether admission of the evidence was warranted despite it not being presented at hearing, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today’s decision. There is no sufficient cause why the new and additional information submitted by Claimant was not presented at hearing. Accordingly none of the new and additional information submitted has been relied upon in making our decision, and none of it has received any weight whatsoever, but rather all of it has been wholly disregarded.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

RRA/fnv