

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**REBECCA A MAY**  
Claimant

**APPEAL 19A-UI-08101-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE WALDINGER CORPORATION**  
Employer

**OC: 10/06/19  
Claimant: Appellant (1)**

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Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.28 – Previous Adjudication

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 16, 2019 (reference 01) unemployment insurance decision that found that the claimant was disqualified from receipt of benefits based upon a previous adjudication in a prior claim year. The parties were properly notified of the hearing. A telephone hearing was held on November 6, 2019. The claimant, Rebecca A. May, participated personally. The employer, The Waldinger Corporation, did not participate. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant ineligible for benefits due to an adjudication in a previous claim year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed an original claim for unemployment insurance benefits with an effective date of September 23, 2018 which expired on September 22, 2019. During that claim year, a decision dated July 17, 2019 (reference 06) found that the claimant voluntarily quit employment with The Waldinger Corporation on June 16, 2019. The decision further stated that the claimant was disqualified from receiving benefits until she earned wages for insured work equal to ten (10) times her weekly unemployment benefit amount after her separation date and met all other eligibility requirements. No timely appeal was filed and this decision became final.

Claimant filed an original claim for benefits effective October 6, 2019. This current claim year expires October 4, 2020. Claimant's administrative records do not establish that she has earned wages for insured work equal to ten (10) times her weekly unemployment benefit amount in order to remove the previous disqualification listed in the July 17, 2019 (reference 06) decision.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code section 96.6(3) provides:

3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

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 section 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.

In this case, the claimant was found to have voluntarily quit her employment on June 16, 2019 and was required to earn insured wages equal to ten (10) times her weekly unemployment benefit amount after the June 16, 2019 separation in order to requalify for benefits. That decision became final as it was not timely appealed. As such, that decision shall stand and remain in effect for the current claim year.

If the claimant believes that she has earned insured wages equal to ten (10) times her weekly unemployment benefit amount after the June 16, 2019 separation date listed in the decision and meets all other eligibility requirements she may contact her local Iowa Workforce Development office to provide proof of wages earned.

## **DECISION:**

The October 16, 2019 (reference 01) decision is affirmed. The decision on the separation was made on a prior claim year and that decision shall remain in effect. The claimant voluntarily quit her employment on June 16, 2019 without good cause attributable to the employer.

Unemployment insurance benefits are denied until claimant has worked in and earned wages for insured work equal to ten times her weekly benefit amount after her separation date of June 16, 2019, and provided she is otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

db/scn