

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDALL F HENDRICKS
Claimant

APPEAL NO. 10A-EUCU-00265-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OMFC SERVICE COMPANY
Employer

OC: 08/23/09
Claimant: Appellant (2)

Section 96.5-2-a – Discharge for Misconduct
871 IAC 24.28(6) – Previously Adjudicated Issue
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 30, 2010, reference 01, that denied benefits. After due notice was issued, a hearing was held by telephone conference call on May 27, 2010. The claimant did participate. The employer did participate through Rod Warhank, Associate Human Resource Manager. Exhibit A was admitted to the record.

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 August 24, 2009.

Claimant was discharged on August 24, 2009 by employer because claimant missed several days of work due to an off-the-job injury.

This matter was adjudicated in a decision dated September 25, 2009, and by appeal number 10A-EUCU-00266-MT. This case involves the same separation date and event as adjudicated in the prior decision.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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 matter, the evidence has established that the claim was previously adjudicated by decision of September 25, 2009, reference 02, under employment of Kraft Foods. The bureau is without authority to rehear this matter as a decision was issued on the merits and is final. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated March 30, 2010, reference 01, is reversed and rendered moot. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements based on the decision of September 25, 2009 and a separation from Kraft Foods August 24, 2009.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css