

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HOWARD E COUNTRYMAN**  
Claimant

**APPEAL NO. 12A-UI-12659-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**  
Employer

**OC: 10/07/12**  
**Claimant: Appellant (1)**

Section 96.6-2 – Finality of Decision

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated October 17, 2012, reference 01, that concluded a decision had been made regarding his May 11, 2012, separation from employment and that decision remained in effect. A telephone hearing was held on November 19, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Jackie Denning participated in the hearing on behalf of the employer.

**ISSUE:**

Did the decision issued regarding the claimant's May 11, 2012, separation from employment become final?

**FINDINGS OF FACT:**

The claimant filed a claim for unemployment insurance benefits effective October 9, 2011. He reopened that claim after working for the employer from December 21, 2011, to May 11, 2012, when he quit his employment.

An unemployment insurance decision was mailed to the claimant's last-known address of record on June 27, 2012. The decision concluded he voluntarily quit part-time work without good cause but was eligible for benefits because he had sufficient wages from other employers to qualify. The decision explained that his wage credits from the employer would be removed until he earned ten times his weekly benefit amount in subsequent employment. Finally, the decision stated it was final unless a written appeal was postmarked or received by the Appeals Section by July 7, 2012.

The claimant received the decision within the ten-day period for appealing the decision. The decision became final when the claimant failed to appeal it within ten days. He did not appeal it because it stated he was eligible for benefits.

The claimant was required to file for unemployment insurance benefits again in October 2012 because his benefit year had expired. The claimant appealed from decision dated October 17,

2012, that determined that a decision had been made regarding his May 2012 separation from employment and that decision remained in effect.

**REASONING AND CONCLUSIONS OF LAW:**

Did the decision issued regarding the claimant's May 11, 2012, separation from employment become final?

The law states that an unemployment insurance decision is final unless a party appeals the decision within ten days after the decision was mailed to the party's last-known address. Iowa Code § 96.6-2.

In the decision in appeal 12A-UI-12658-SWT, it was decided that the claimant had not filed a timely appeal from the decision dated June 27, 2012. That decision became final and remains in effect. The fact that the claimant filed a claim for a second benefit year does not change this outcome.

**DECISION:**

The unemployment insurance decision dated October 17, 2012, reference 01, is affirmed. A decision was made regarding the claimant's May 11, 2012, separation from employment and that decision remains in effect.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css