

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TERA D MORRIS
602 2ND AVE N
DAKOTA CITY IA 50529 5146**

**A PLUS HOME CARE SERVICES LLC
ANNE PORTER
2301 W 1ST ST
ANKENY IA 50023**

APPEAL 21A-UI-19011-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

APPEAL RIGHTS:

This Decision Shall Become Final, unless within fifteen (15) days from the mailing date below the administrative law judge's signature on the last page of the decision, you or any interested party:

Appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to:

***Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

ONLINE RESOURCES:

UI law and administrative rules:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-law-and-administrative-rules>

UI Benefits Handbook:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-claimant-handbook>

Employer UI Handbook: <https://www.iowaworkforcedevelopment.gov/employer-handbook>

Report UI fraud: <https://www.iowaworkforcedevelopment.gov/report-fraud>

Employer account access and information: <https://www.myiowaui.org/UITIPTaxWeb/>

National Career Readiness Certificate and Skilled Iowa Initiative: <http://skillediowa.org/>

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TERA D MORRIS

Claimant

A PLUS HOME CARE SERVICES LLC

Employer

APPEAL 21A-UI-19011-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/09/21

Claimant: Respondent (1)

Iowa Code § 96.6(3) – Appeals

Iowa Admin. Code r. 871—24.19(1) – Determination and Review of Benefit Rights

Iowa Admin. Code r. 871—24.28(6-8) – Prior Adjudication

Iowa Code § 96.5(2)a – Discharge for Misconduct

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

Iowa Admin. Code r. 871—24.10 – Employer/Representative Participation Fact-finding Interview

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The employer, A Plus Home Care Services, LLC, filed an appeal from the August 19, 2021, (reference 01) unemployment insurance decision that allowed benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on October 20, 2021. The hearing was consolidated with the hearing for appeal number 21A-UI-19012-AR-T. The parties waived notice of the issue of prior adjudication on the record. Claimant, Tera D. Morris, participated personally. Employer participated through Anne Porter. Employer's Exhibits 1 and 2 were admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the separation adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated in a prior claim year effective November 11, 2018, as the unemployment insurance decision dated September 17, 2021, reference 08. That decision in favor of the claimant has been affirmed. See 21A-UI-19012-AR-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year.

Iowa Admin. Code r. 871—24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

Inasmuch as the issue presented was resolved in a prior claim year, the current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The August 19, 2021, (reference 01) unemployment insurance decision is affirmed. The prior decision on the separation remains in effect.



Alexis D. Rowe
Administrative Law Judge

November 4, 2021
Decision Dated and Mailed

ar/kmj