

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARBARA L SHRUM**  
Claimant

**APPEAL NO. 15A-UI-13196-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES – BURLINGTON INC**  
Employer

**OC: 11/08/15**  
**Claimant: Respondent (4)**

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the November 25, 2015, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits, based on an Agency conclusion that the claimant's separation had been adjudicated and the prior decision remained in effect. A hearing was set for December 17, 2015 and the parties were appropriately notified. Claimant Barbara Shrum appeared. Jenny McNeil appeared on behalf of the employer. The administrative law judge concluded that a hearing was not necessary and the parties agreed to entry of a decision based on the contents of the Agency's administrative records. The administrative law judge took official notice of the following Agency administrative records: DBRO, WAGEA, the November 18, 2015, reference 02, decision, the November 25, 2015, reference 01, decision and the notice of claim/protest filed by the employer on November 16, 2015.

**ISSUES:**

Whether the separation from the employment has been previously adjudicated and whether that adjudication continues to bind the parties.

Whether November 25, 2015, reference 01, decision was in error when it stated the employer's account may be charged for benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Barbara Shrum separated from Temp Associates – Burlington, Inc., on September 8, 2014. Ms. Shrum was subsequently employed by Professional Transportation, Inc., and earned more than 10 times her weekly benefit amount from that new employment. Ms. Shrum filed an original claim for unemployment insurance benefits that was effective November 8, 2015. This was the first claim for benefits since the separation from Temp Associates. Ms. Shrum's base period for purposes of the November 8, 2015 claim consisted of the third and fourth quarters of 2014 and the first and second quarters of 2015. While Professional Transportation, Inc., was Ms. Shrum's primary base period employer, Ms. Shrum also had \$61.25 in wages and \$20.42 in base period

wage credits from the employment with Temp Associates. Workforce Development calculated Ms. Shrum's weekly benefit amount to be \$82.00.

On November 12, 2015, Iowa Workforce Development mailed a notice of claim to Temp Associates. On November 16, 2015, Temp Associates filed a timely protest.

On November 18, 2015, a Workforce Development claims deputy entered a reference 02 decision that allowed benefits to Ms. Shrum provided she met all other eligibility requirements. The decision also indicated that Temp Associates would not be charged for benefits paid to Ms. Shrum. The decision stated that Ms. Shrum had earned 10 times her weekly unemployment benefit amount in insured work after a disqualifying separation from Temp Associates. The decision stated that the \$20.00 in wage credits with the Temp Associate employment during the period of July 1, 2014 through September 8, 2014, would be charged to the unemployment compensation fund. The decision cited Iowa Code section 96.5(1)(g) (requalification after a disqualifying quit) and 96.5(2)(a) (requalification after a disqualifying discharge) as legal authority for the decision.

The database readout (DBRO) concerning Ms. Shrum's November 8, 2015 original claim reflects the steps that Workforce Development took to relieve Temp Associates of the \$20.42 liability for benefits based on the \$61.25 in base period wages. The DBRO shows that those amounts have been moved to the unemployment compensation fund.

On November 25, 2015, a Workforce Development claims deputy entered a reference 01 decision that allowed benefits to Ms. Shrum provided she was otherwise eligible and that held that Temp Associates may be charged for benefits paid to Ms. Shrum. The decision referenced the same September 8, 2014 separation from Temp Associates. The decision stated that a decision had been made on a prior claim and that the prior decision remained in effect. On November 30, 2015, the employer filed its appeal from the November 25, 2015, reference 01, decision.

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

Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the employment appeal board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4).

The employer filed a timely appeal from the November 25, 2015, reference 01, decision. The reference 01 decision erroneously stated the prior adjudication insofar as the reference 01 decision stated that the employer's account could be charged for benefits. The November 18, 2015, reference 02, decision had acknowledged the claimant's wages subsequent to the September 8 2014 separation from Temp Associates. The November 18, 2015, reference 02, decision acknowledged that the claimant had "requalified" for benefits under Iowa Code section 96.5(1)(g) and 96.5(2)(a). The November 18, 2015, reference 02, decision was the prior adjudication to which the November 25, 2015, reference 01, decision referred.

#### **DECISION:**

The November 25, 2015, reference 01, decision is modified as follows. The claimant's separation from the employment on September 8, 2014 was previously adjudicated by means of the November 18, 2015, reference 02, decision. The November 25, 2015, reference 01,

misstated the prior decision insofar as it stated that the employer's account may be charged for benefits. The claimant has requalified for benefits by earning 10 times her weekly benefit amount from new insured work subsequent to her separation from Temp Associates. The claimant is eligible for benefits, provided she is otherwise eligible. The employer account of Temp Associates – Burlington, Inc., will not be charged for benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs