

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VIRGINIA A JORDEN WACKENS**  
Claimant

**APPEAL NO. 12A-UI-03502-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KUM & GO LC**  
Employer

**OC: 04/22/12**  
**Claimant: Appellant (1)**

871 IAC 24.28(6) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 28, 2012, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 23, 2012. Employer participated by Reese Millsap, General Manager. Claimant failed to respond to the hearing notice and did not participate. Claimant called after the hearing was over to request participation. Claimant failed to participate because she did not follow the instructions on the hearing notice.

**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: This matter was adjudicated in a decision of a representative dated March 27, 2012, reference 03, which held claimant ineligible for unemployment insurance benefits.

This matter was adjudicated and has become final. The case was initially referred to at hearing as reference 02 a case involving Fantastic Sams for benefit year 2011. The 2011 benefit year was incorrect. The correct decision reference 02 was not in the file. The 2012 reference 02 decision could not be found at the time of hearing. It did not appear to exist. The correct decision has now been received for benefit year 2012 and the record is complete. The decision in reference 01, 12A-UI-03501-MT is dispositive of this issue.

**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 March 27, 2012 reference 03. 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 28, 2012, reference 02, is affirmed. This matter has been previously adjudicated and cannot be adjudicated a second time.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/css