

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANN M TITUS
Claimant

APPEAL NO. 12A-UI-05983-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE HON COMPANY
Employer

OC: 04/15/12
Claimant: Appellant (4)

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Ann Titus filed a timely appeal from the May 16, 2012, reference 01 decision that denied benefits based on an agency conclusion that her March 14, 2012 separation from the employer had been previously adjudicated as part of a prior claim and that the prior decision remained in effect. A hearing has not yet been scheduled. Being apprised of the particulars, the administrative law judge concludes that a hearing is not necessary. The administrative law judge enters the following decision based on the agency's administrative records.

ISSUE:

Whether the claimant's March 14, 2012 separation from The Hon Company was previously adjudicated as part of a prior claim and whether the prior adjudication remains in effect.

FINDINGS OF FACT:

Ann Titus established a claim for unemployment insurance benefits that was effective April 17, 2011. On April 6, 2012, a Workforce Development representative entered a reference 03 decision that denied benefits in connection with the claimant's April 14, 2012 discharge from The Hon Company. On May 3, 2012, the undersigned administrative law judge conducted a telephone hearing in Appeal Number 12A-UI-04067-JTT. The claimant and the employer participated. On May 21, 2012, the undersigned administrative law judge entered a decision that reversed the April 6, 2012, reference 03 decision. The administrative law judge concluded that the claimant had been discharged for no disqualifying reason, that the claimant was eligible for benefits provided she met all other eligibility requirements, and that the employer's account could be charged for benefits paid to the claimant. The employer did not appeal from the decision entered on May 21, 2012 and the decision became a final agency decision.

On April 15, 2012, Ms. Titus established a new "original claim" for benefits in connection with the start of a new benefit year. On May 16, 2012, a Workforce Development representative entered a reference 01 decision that denied benefits based on an agency conclusion that Ms. Titus' March 14, 2012 separation from the employer had been previously adjudicated as part of a prior claim and that the decision remained in effect. The Workforce Development representative did not take into consideration the administrative law judge's decision in Appeal

Number 12A-UI-04067-JTT because it had not yet been entered. The administrative law judge's decision in connection with the 2011 claim for benefits concerned the same March 14, 2012 employment separation addressed by the May 16, 2012, reference 01 decision entered in connection with the 2012 claim year.

On May 21, 2012, Ms. Titus filed her timely appeal from the May 16, 2012, reference 01 decision that held she was bound by an earlier decision that denied benefits in connection with March 14, 2012 separation. This was the same day the administrative law judge entered a decision in Appeal Number 12A-UI-04067-JTT that *allowed* benefits in connection with the March 14, 2012 separation from The Hon Company.

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).

There was indeed a prior adjudication of Ms. Titus' March 14, 2012 separation from The Hon Company. The lower decision denied benefits. The decision entered by the administrative law judge reversed the lower decision and allowed benefits, provided claimant was otherwise eligible. It is the administrative law judge's decision in Appeal Number 12A-UI-04067-JTT that now constitutes the prior, binding adjudication concerning the claimant's separation from The Hon Company. Accordingly, the claimant is eligible for benefits in connection with the April 15, 2012 original claim, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant in connection with the new claim year.

DECISION:

The Agency representative's May 16, 2012, reference 01 is modified as follows. The claimant's March 14, 2012 separation from The Hon Company was previously adjudicated to a final agency decision in Appeal Number 12A-UI-04067-JTT. That decision continues to be binding upon the parties in connection with the new claim year that started April 15, 2012. The claimant is eligible for benefits in connection with the April 15, 2012 original claim, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant in connection with the new claim.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs