

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY M BEAL
Claimant

APPEAL NO: 14A-UI-04846-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WORKSOURCE INC
Employer

OC: 04/20/14

Claimant: Appellant (1)

Section 96.6-2 - Prior Adjudication

STATEMENT OF THE CASE:

Tracy M. Beal (claimant) appealed a representative's April 30, 2014 decision (OC 04/20/14 – reference 02) that concluded she was not qualified to receive unemployment insurance benefits because a prior disqualification from a separation from employment with Worksource, Inc. (employer) remained in effect. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 29, 2014. This appeal was consolidated for hearing with one related appeal, 14A-UI-04845-DT. The claimant participated in the hearing. Heather Parson appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is there a prior determination on the merits of this appeal that is binding on the parties and the outcome of this appeal?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective December 9, 2012. She reactivated that claim by filing an additional claim effective December 1, 2013 after her separation from the employer on or about November 28, 2013. An Agency representative issued a decision dated December 17, 2013 (OC 12/09/12 – reference 02). That decision concluded that the claimant was not eligible for benefits because of the circumstances of the separation. As determined in the concurrently issued decision in 14A-UI-04845-DT, the claimant did not make a timely appeal of that decision and it has become final.

The claimant established a second unemployment insurance benefit year effective April 20, 2014. Another representative's decision was issued dated April 30, 2014 (OC 04/20/14 – reference 02), the subject of this appeal. That decision concluded that the prior decision was still in effect and still rendered the claimant ineligible to receive unemployment insurance benefits.

At the time of the separation and the December 17, 2013 decision regarding the separation, the claimant's weekly benefit amount was \$75.00. While she has had other employment since November 28, 2013, she has not yet earned at least \$750.00 in that subsequent employment.

REASONING AND CONCLUSIONS OF LAW:

If a prior determination has been made on the same issue and the adversely affected party fails to make a timely appeal of a representative's decision, the decision on that issue has become final and is not subject to further review, and will be binding on the parties in related proceedings. Iowa Code § 96.6-2.

If the claimant had a dispute with whether or not she should have been disqualified as a result of the separation from the employer, then she needed to have filed an appeal from that decision within the appeal period for that decision. Iowa Code § 96.6-2; *Beardslee v. Iowa Department of Job Service*, 276 N.W.2d 373 (Iowa 1979). The establishment of a new claim year does not negate or erase the effect of the prior determination. As the claimant did not make a timely appeal from the original disqualification decision, the administrative law judge now lacks jurisdiction to make a determination with respect to the nature of the appeal, regardless of whether the merits of the appeal would be valid. See, *Beardslee*, supra; *Franklin v. Iowa Department of Job Service*; and *Pepsi-Cola Bottling Company v. Employment Appeal Board*, 465 N.W.2d 674 (Iowa App. 1990).

The decision concluding that the claimant is not eligible to receive unemployment insurance benefits after her November 28, 2013 separation from employment with this employer is still in full force and effect; benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is then otherwise eligible. She has not yet requalified.

DECISION:

The representative's April 30, 2014 decision (04/20/14 – reference 02) is affirmed. The claimant is not qualified to receive unemployment insurance benefits until she has requalified.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs