

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRYSTAL L STERNER
Claimant

APPEAL NO. 10A-UI-07539-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CDS GLOBAL INC
Employer

**Original Claim: 04/11/10
Claimant: Appellant (1)**

Section 96.6-2 – Previously Adjudicated

STATEMENT OF THE CASE:

The claimant appealed a representative's May 12, 2010 decision (reference 01) that held she was not qualified to receive benefits and the employer's account was exempt from charge because the September 1, 2009 employment separation had been previously adjudicated. A telephone hearing was held on July 9, 2010. The claimant participated in the hearing. Courtney Villhauer 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:

Has the claimant's September 1, 2009 employment separation been previously adjudicated?

FINDINGS OF FACT:

The claimant's September 1, 2009 employment separation from the employer was addressed in a hearing on November 4, 2009. Based on the evidence presented during that hearing, an administrative law judge affirmed a representative's September 22, 2009 decision that denied the claimant benefits as of August 30, 2009. See decision for appeal 09A-UI-14979-JTT. The claimant did not appeal this decision.

The claimant has not worked for another employer since her employment ended with the employer. The claimant established a new claim for benefits during the week of April 11, 2010.

REASONING AND CONCLUSIONS OF LAW:

A finding of fact, conclusion of law, judgment or final order made by an administrative law judge is binding upon the parties to proceedings under Iowa Code 96. Iowa Code § 96.6-4. Since the claimant did not appeal the administrative law judge's November 4, 2009 decision, the decision issued for appeal 09A-UI-14979-JTT is the final decision regarding the claimant's September 2009 employment separation. As a result, this decision is binding on the parties for all unemployment insurance purposes. The claimant remains disqualified from receiving

benefits until she requalifies to receive benefits by earning ten times her weekly benefits from insured employment.

DECISION:

The representative's May 12, 2010 decision (reference 01) is affirmed. The claimant is not qualified to receive benefits based on the reasons for her September 1, 2009 employment separation that was addressed in the decision for appeal 09A-UI-014979-JTT. This means the claimant remains disqualified from receiving unemployment insurance benefits as of August 30, 2009. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw