

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VICKIE L RILEY
Claimant

CASEY'S MARKETING COMPANY
Employer

APPEAL 21A-UI-14416-DZ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/21/21
Claimant: Appellant (1)

Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights
Iowa Admin. Code r. 871-24.28(8) – Prior Adjudication

STATEMENT OF THE CASE:

Vickie L Railey, the claimant/appellant, filed an appeal from the June 15, 2021, (reference 03) unemployment insurance decision that denied REGULAR unemployment insurance benefits based on a voluntary quit. Iowa Workforce Development mailed a notice of hearing to the parties' last known addresses of record. A telephone hearing was held on August 18, 2021. Ms. Railey participated and testified. The employer did not register for the hearing and did not participate. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the issue of Ms. Railey's separation from employment with this employer adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue of Ms. Railey's separation from employment with this employer has been adjudicated (decided) in a prior claim year effective March 22, 2020. The unemployment insurance decision dated March 30, 2021, reference 02 had concluded that Ms. Railey was not eligible for benefits because she have quit. Ms. Railey appealed that decision. The administrative law judge's decision in Appeal 21A-UI-14415-DZ-T reversed the reference 02 decision. The administrative law judge's decision concluded that Ms. Railey did not quit, and the employer has not laid her off or terminated her employment and Ms. Railey was eligible for benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the issue of Ms. Railey's separation from employment with this employer has been adjudicated in a prior claim year.

Iowa Code section 96.6(3) provides:

Filing – determination – appeal.

3. Appeals.

a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. A telephone or in-person hearing shall not be scheduled before the seventh calendar day after the parties receive notice of the hearing. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

Iowa Admin. Code r. 871-24.28(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.

Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

The issue was decided in a prior claim year. The current decision is affirmed.

DECISION:

The June 15, 2021, (reference 03) unemployment insurance decision is affirmed. The administrative law judge's decision on the separation in Appeal 21A-UI-14415-DZ-T remains in effect.



Daniel Zeno
Administrative Law Judge
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August 24, 2021
Decision Dated and Mailed

dz/mh