

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRAVIS L BRUSTKERN**  
Claimant

**APPEAL NO. 08A-UI-04104-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NUTRI-JECT SYSTEMS INC**  
Employer

**OC: 04/13/08 R: 03  
Claimant: Appellant (1)**

871 IAC 24.19(1) – Determination of Review of Benefit Rights  
871 IAC 24.28(6) – Prior Adjudication

**STATEMENT OF THE CASE:**

Travis Brustkern filed an appeal from the April 28, 2008, reference 02, decision that denied benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on May 13, 2008. The claimant did participate. The employer did participate through David Konieczny.

**ISSUE:**

The issue in this matter is whether the separation was adjudicated in a prior claim year.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior claim year and that decision has become final. (See appeal number 08A-UI-04103-NT).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes that the separation issue has been adjudicated in a prior claim year and that decision has become final. (See appeal number 08A-UI-04103-NT).

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.

The issue presented was resolved in a prior claim year (original claim date February 25, 2007) as representative's decision dated February 28, 2008, reference 03). The current decision, referring to the prior claim year decision on the same separation date is affirmed.

**DECISION:**

The April 28, 2008, reference 02, decision is affirmed. The prior decision on the separation remains in effect.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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