

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RYAN A SCHULTS
Claimant

APPEAL NO. 12A-UI-09351-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**TEREX USA LLC
EMPLOYERS UNITY**
Employer

**OC: 07/01/12
Claimant: Respondent (1)**

871 IAC 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated July 26, 2012, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 28, 2012. Claimant participated personally. Employer participated by Jackie Nolan, Hearing Representative Employers Unity with witnesses Annie Marple, Senior Human Resource Generalist and Christy Purvis, Human Resource Manager.

ISSUE:

The issue in this matter is whether the claim was previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 23, 2012.

Claimant was discharged on April 23, 2012 by employer because he was an unsatisfactory probationary employee. This separation date was adjudicated May 11, 2012, reference 03. Employer was previously known by another corporate name.

REASONING AND CONCLUSIONS OF LAW:

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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of May 11, 2012 reference 03. The bureau is without authority to rehear this matter as a decision was issued on the merits and has become final for date of separation April 23, 2012. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated July 26, 2012, reference 01, is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs