

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFF A CLARK
Claimant

APPEAL NO. 06A-UI-10432-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

**OC: 05/28/06 R: 01
Claimant: Appellant (1)**

Section 96.6(2) – Finality of Decisions

STATEMENT OF THE CASE:

Jeff Clark filed an appeal from a representative's decision dated October 17, 2006, reference 03, which held that a decision concerning his separation from Tyson Fresh Meats, Inc. had been made on a prior claim and remained in effect. After due notice was issued, a hearing was held by telephone on November 9, 2006. Mr. Clark participated personally. The employer participated by Susan Pfeifer, Human Resources Manager, and Harry Fichter, General Supervisor.

ISSUE:

At issue in this matter is whether the administrative law judge has jurisdiction to rule on Mr. Clark's separation from Tyson Fresh Meats, Inc.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Clark became separated from Tyson Fresh Meats, Inc. on or about February 24, 2006. He filed a claim for job insurance benefits effective May 28, 2006. On June 16, 2006, Workforce Development issued a decision, reference 01, that disqualified Mr. Clark from receiving benefits on a finding that he had voluntarily quit employment for no good cause attributable to the employer. The decision became final when no appeal was filed by the June 26, 2006 deadline.

Mr. Clark did not establish good cause for not complying with the appeal deadline. (See Appeal 06A-UI-10431-CT.)

REASONING AND CONCLUSIONS OF LAW:

The decision holding that Mr. Clark's separation from Tyson Fresh Meats, Inc. was a disqualifying event became final in the absence of a timely appeal. As such, the administrative law judge does not have the legal authority to change the decision. Iowa Code section 96.6(2). Accordingly, the disqualification continues.

DECISION:

The representative's decision dated October 17, 2006, reference 03, is hereby affirmed. The matter of Mr. Clark's separation from Tyson Fresh Meats, Inc. was adjudicated on a prior claim and remains in effect. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs