

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SUSANA L ORTEGA**  
Claimant

**APPEAL NO. 07A-UI-09967-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FARMLAND FOODS INC**  
Employer

**OC: 09/23/07 R: 01**  
**Claimant: Respondent (1)**

Section 96.6-4 – Previously Adjudicated

**STATEMENT OF THE CASE:**

Farmland Foods, Inc. (employer) appealed a representative's October 19, 2007 decision (reference 04) that concluded Susana L. Ortega (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's July 6, 2006 employment separation had been previously adjudicated by another administrative law judge. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 14, 2007. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Becky Jacobson, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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 July 6, 2006 employment separation been previously adjudicated?

**FINDINGS OF FACT:**

The claimant established a claim for unemployment insurance benefits during the week of September 24, 2006. The employer appealed a representative's October 17, 2006 decision that concluded the claimant's July 6, 2006, discharge was for nondisqualifying reasons. A hearing was held before another administrative law judge in November 2006. On November 20, 2006, that administrative law judge issued a decision that held the claimant was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. See decision for appeal 06A-UI-10419-JTT. The employer did not appeal the November 20, 2006 decision.

The claimant established a new benefit year during the week of September 23, 2007. The employer is still a base period employer and protested any charges to its account. The claimant has not worked for the employer any time after July 6, 2006.

**REASONING AND CONCLUSIONS OF LAW:**

A finding of fact, conclusions of law, or a final order made by an administrative law judge is binding upon the parties for unemployment insurance purposes. Iowa Code § 96.6-4. The November 20, 2006 decision issued is binding on the claimant and employer unless there are new facts. Both the November 20, 2006 decision and the October 19, 2007 representative's decisions relate to the same July 6, 2006 employment separation. Since the issue was addressed in the decision for appeal 06A-UI-10419-JTT, the July 6, 2006 employment separation has been previously adjudicated. This means the claimant is qualified to receive benefits as of September 23, 2007.

The employer is still a base period employer in the claimant's new benefit year. As a result, the employer's account is subject to charge in this subsequent benefit year.

**DECISION:**

The representative's October 19, 2007 decision (reference 04) is affirmed. The issue of whether the claimant is qualified to receive benefits based on her July 6, 2006 employment separation was addressed in an administrative law judge's November 20, 2006 decision, which was a final decision. Therefore, the claimant is qualified to receive unemployment insurance benefits as of September 23, 2007, provided she meets all eligibility requirements. The employer's account may be charged for benefits paid to the claimant

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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