

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KELLENE K RITTER**  
Claimant

**APPEAL NO. 14A-UI-02841-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 02/23/14**  
**Claimant: Appellant (1)**

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

Kellene Ritter filed a timely appeal from the March 7, 2014, reference 01, decision that disqualified her for benefits based on an agency conclusion that her December 24, 2013 separation from employment with Advance Services, Inc., had previously been adjudicated and in connection with an earlier claim and that the prior decision remained in effect. After due notice was issued, a hearing was held on April 7, 2014. The hearing was consolidated with the hearing in Appeal Number 14A-UI-02840-JTT. Ms. Ritter participated. Michael Payne represented the employer. Department Exhibits D-1, D-2 and D-3 were received into evidence.

**ISSUE:**

Whether Ms. Ritter's December 24, 2013 separation from ASI was adjudicated as part of an earlier claim and whether the prior decision continues in effect.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Kellene Ritter established a claim for benefits that was effective February 24, 2013. On February 13, 2014, an Iowa Workforce Development representative entered a February 13, 2014, reference 09, decision that disqualified Ms. Ritter for benefits based on an agency conclusion that she had voluntarily quit employment with Advance Services, Inc., effective December 24, 2013, without good cause attributable to that employer. Ms. Ritter did not file a timely appeal from that decision and the decision became a final agency decision. See Appeal Number 14A-UI-02840-JTT.

Ms. Ritter established a new claim year that was deemed effective February 23, 2014. On March 7, 2014, Iowa Workforce Development mailed a copy of the March 7, 2014, reference 01, decision to Ms. Ritter's last-known address of record. That decision was based on the claim year that was effective February 23, 2014. The decision disqualified Ms. Ritter for unemployment insurance benefits based on an agency conclusion that Ms. Ritter's December 24, 2013 separation from ASI had been adjudicated as part of the prior claim and that the prior decision continued to be in effect. Since separating from ASI on or about December 24, 2013, Ms. Ritter has not performed any additional work for that employer. Very

recently, Ms. Ritter did have additional discussion with the employer about a possible work assignment, but has not been placed in a new assignment.

**REASONING AND CONCLUSIONS OF LAW:**

Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the employment appeal board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4).

Ms. Ritter did not appeal the February 13, 2014, reference 09, decision entered in connection with her February 24, 2013 original claim date. Accordingly, the February 13, 2014, reference 09, decision became a final agency decision that is binding upon Ms. Ritter, the employer, and the administrative law judge. The February 13, 2014, reference 09, decided the issues pertaining to Ms. Ritter's separation from ASI on or about December 24, 2013. The prior decision was that Ms. Ritter had voluntarily the employment without good cause attributable to the employer, was thereby disqualified for benefits, and that the employer's account was relieved of liability for benefits in connection with the separation. The prior decision in the prior claim year continues to be binding in connection with the new claim year that Ms. Ritter established effective February 23, 2014.

**DECISION:**

The Claims Deputy's March 7, 2014, reference 01, decision is affirmed. The claimant's December 24, 2013, separation from ASI was adjudicated as part of an earlier claim. The prior decision continues in effect. Effective December 24, 2013, the claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account will not be charge in connection with the December 24, 2013 separation.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/css