

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JOLEE KUHLE**  
Claimant

**WALMART INC**  
Employer

**APPEAL NO. 21A-UI-18070-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/04/21  
Claimant: Respondent (1)**

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871 IAC r. 24.28(6) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated September 8, 2021, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 11, 2021. Claimant participated personally. Employer participated by Amanda Lange and Joey Wissing.

**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 May 30, 2021.

Claimant was terminated on May 31, 2021 by employer because of attendance issues.

This matter was adjudicated in a decision dated October 11, 2021, and by appeal number 21A-UI-18069-B2-T. Claimant was found eligible for benefits.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-24.28(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 August 5, 2020 reference 03. The bureau is without authority to rehear this matter

as a decision was issued on the merits and a decision affirming the fact finder's decision was entered in 21A-UI-18069-B2-T. The issue cannot be adjudicated a second time.

**DECISION:**

The decision of the representative dated September 8, 2021, reference 01, is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.



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Blair A. Bennett  
Administrative Law Judge

October 13, 2021  
Decision Dated and Mailed

bab/mh