

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**PROPHET LIVINGOOD**  
Claimant

**KELLY SERVICES INC**  
Employer

**APPEAL 16A-UI-04783-DGT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/13/16**  
**Claimant: Appellant (1)**

Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights  
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 6, 2016, (reference 02) unemployment insurance decision that allowed benefits. After due notice was issued, a hearing was set for hearing by telephone conference call on May 10, 2016. The claimant participated. The employer participated by Chris Kolbe, Human Resources Manager. No hearing was held.

**ISSUE:**

Did the claimant file an appeal from a favorable decision?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed an appeal from a favorable decision holding that he was eligible for benefits. That appeal was set for hearing in error.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant filed an appeal from a favorable decision and the appeal was set for hearing in error.

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 § 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.

The claimant filed an appeal from a favorable decision on the above-referenced issue, which was set for hearing in error. The representative's decision has become final and remains in full force and effect.

**DECISION:**

The April 6, 2016, (reference 02) unemployment insurance decision is affirmed. The claimant filed an appeal from a favorable decision, which was set for hearing in error. The representative's decision has become final and remains in full force and effect.

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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

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