

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICIA J HAIGH
Claimant

NORDSTROM INC
Employer

APPEAL 21A-UI-22747-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Respondent (4)

Iowa Code § 96.6-3 – Filing Appeals
871 IAC 24.28(6-8) – Prior Adjudication

STATEMENT OF THE CASE:

On October 11, 2021, the employer filed an appeal from the October 1, 2021, reference 01, decision that allowed benefits based upon an allowance decision in a prior benefit year for the same separation. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 7, 2021. The hearing was held together with appeals 21A-UI-22740-CS-T; 21A-UI-22742-CS-T; 21A-UI-22745-CS-T; 21A-UI-22746-CS-T; 21A-UI-22748-CS-T; 21A-UI-22749-CS-T; 21A-UI-22750-CS-T and 21A-UI-22751-CS-T and combined into one record. The claimant participated personally. The employer did not call in to the hearing to participate. Administrative notice was taken of claimant's unemployment insurance benefits records.

ISSUE:

The issue is whether the matter has been previously adjudicated.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue presented was resolved in a prior claim year (original claim date March 4, 2021) as the representative's decision dated June 23, 2021, reference 01. The administrative law judge reversed the underlying decision in 21A-UI-22740-CS-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the decision at issue has been adjudicated in a prior claim year and that decision has become final.

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.

871IAC 24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

The separation issue was resolved in a different claim year (claim date April 4, 2021) as the representative's decision dated June 23, 2021, reference 01. That decision was reversed in 21A-UI-22740-CS-T and allowed the claimant benefits, provided she is otherwise eligible. As a result, the July 15, 2020, separation has been previously adjudicated.

DECISION:

The October 1, 2021, reference 01, decision is modified in favor of the appellant. The prior decision on the July 15, 2020, separation was reversed allowing benefits. As a result, this issue has been previously adjudicated.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

January 10, 2022
Decision Dated and Mailed

cs/mh