

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

TODD A HENZE
Claimant

APPEAL NO: 19A-UI-00286-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DEERE & COMPANY
Employer

**OC: 12/16/18
Claimant: Respondent (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 employer filed an appeal from the January 4, 2019, (reference 01) unemployment insurance decision that allowed benefits and stated the employer's account may be subject to charges based upon a decision in a prior benefit year for the same separation. The parties were properly notified about the hearing. A telephone hearing was held on January 29, 2019. The hearing was held jointly with Appeal 19A-UI-00285-JC-T. The claimant participated personally. The employer participated through Elizabeth DeWinter. Employer Exhibit 1 (Appeal letter) was admitted.

The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the separation adjudicated in a prior claim year?
Was the issue adjudicated in a prior representative's decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for benefits with an effective date of December 17, 2017. An initial decision (reference 06) decision was rendered on October 26, 2018, allowing benefits based upon the claimant's September 19, 2018 separation. That decision has become final. See Appeal 19A-UI-00285-JC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation 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.

Iowa Admin. Code r. 871-24.19(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 issue presented was resolved in a prior claim year (original claim date December 17, 2017) as the representative's decision dated October 26, 2018, (reference 06). The current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The January 4, 2019, (reference 01) decision is affirmed. The prior decision on the separation remains in effect.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn