

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JEFFREY D GEORGE
7980 – 22ND AVE DR
MARENGO IA 52301**

**KINZENBAW EARTHMOVERS INC
354 W RANDOLPH ST
MARENGO IA 52301-1227**

**Appeal Number: 05A-UI-02160-CT
OC: 01/30/05 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.6(3) – Finality of Administrative Law Judge Decisions

STATEMENT OF THE CASE:

Jeffrey George filed an appeal from a representative's decision dated March 1, 2005, reference 03, which held that a decision concerning his separation from Kinzenbaw Earthmovers, Inc. had been made on a prior claim and remained in effect. After due notice was issued, a hearing was held by telephone on March 17, 2005. Mr. George participated personally. The employer participated by Doug Kinzenbaw, Owner.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. George filed an original claim for job insurance benefits

effective January 4, 2004. He filed an additional claim effective July 18, 2004 after his separation from Kinzenbaw Earthmovers, Inc. He was initially denied benefits in the representative's decision dated August 5, 2004, reference 01. Mr. George appealed and, after opportunity for hearing, the disqualification was affirmed by an administrative law judge on September 17, 2004. The administrative law judge's decision became final when it was not appealed to the Employment Appeal Board. Mr. George has not worked for Kinzenbaw Earthmovers, Inc. since July of 2004. He filed his current claim effective January 30, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the subject of Mr. George's separation from Kinzenbaw Earthmovers, Inc. can be re-litigated. His last period of employment with the company ended in July of 2004. The matter of that separation was adjudicated in the administrative law judge's decision of September 17, 2004. If an administrative law judge's decision is not appealed within 15 days following the date on which it was issued, it becomes a final decision. See Iowa Code section 96.6(3). The administrative law judge lacks jurisdiction to reopen an otherwise final decision. Kash Trucking v. Department of Employment Services, 476 N.W.2d 82 (Iowa 1991). For the above reasons, the representative's decision shall be affirmed.

DECISION:

The representative's decision dated March 1, 2005, reference 03, is hereby affirmed. The matter of Mr. George's separation from Kinzenbaw Earthmovers, Inc. has been adjudicated on a prior claim and remains in effect. Benefits are withheld until such time as Mr. George has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/tjc