

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZACHARY OWENS
Claimant

APPEAL NO. 12A-UI-11501-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PRAIRIE MEADOWS RACETRACK &
CASINO**
Employer

OC: 09/09/12
Claimant: Appellant (1)

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Zachary Owens filed a timely appeal from the September 19, 2012, reference 01, decision that denied benefits based on an agency conclusion that his April 5, 2012 separation from Prairie Meadows had been previously adjudicated as part of his prior claim and that the prior decision remained in effect. After due notice was issued, a hearing was held on October 18, 2012. Mr. Owens did not respond to the hearing notice and did not participate. Pamela Anderson, Human Resources Generalist, represented the employer. Department Exhibits D-1 through D-4 were received into evidence.

ISSUE:

Whether the separation from the employment has been previously adjudicated and whether that adjudication continues to bind the parties.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Zachary Owens separated from Prairie Meadows Racetrack & Casino on April 5, 2012. Mr. Owens had earlier established a claim for unemployment insurance benefits that was effective August 28, 2011. Upon separating from Prairie Meadows, Mr. Owens established an addition claim for unemployment insurance benefits that was effective April 8, 2012. On May 2, 2012, Workforce Development entered a reference 03 decision that disqualified Mr. Owens for benefits based on an agency conclusion that Mr. Owens had been discharged from Prairie Meadows for misconduct in connection with the employment. Mr. Owens appealed that decision. On June 7, 2012, an administrative law judge entered a decision in Appeal Number 12A-UI-05588-HT that affirmed the disqualification. Mr. Owens did not appeal the administrative law judge decision. Mr. Owens subsequently established a new original claim for benefits that was effective September 9, 2012. On September 19, 2012, Workforce Development entered the reference 01 decision that denied benefits in connection with the new claim year based on the prior adjudication of Mr. Owens' separation from Prairie Meadows. Mr. Owens had not performed any additional work for Prairie Meadows since separating from that employer on April 5, 2012.

REASONING AND CONCLUSIONS OF LAW:

Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the employment appeal board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4). The administrative law judge's decision in Appeal Number 12A-UI-05588-HT became a final agency decision concerning Mr. Owens' separation from Prairie Meadows. That decision that disqualified Mr. Owens for benefits in connection with the April 5, 2012 remains binding upon Mr. Owens and the employer in connection with the new claim year and cannot be readjudicated. Mr. Owens is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, and must meet all other eligibility requirements. Prairie Meadow's account will not be charged.

DECISION:

The Agency representative's September 19, 2012, reference 01, is affirmed. The issues relating to the claimant's April 5, 2012 separation were adjudicated in connection with a prior claim and the decision previously entered remains binding upon the parties. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, and must meet all other eligibility requirements. Prairie Meadow's account will not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css