

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

OLIVER A MORRIS
Claimant

APPEAL NO. 14R-UI-08759-JTT

**DES MOINES REGIONAL TRANSIT
AUTHORITY**
Employer

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/15/14
Claimant: Appellant (1)

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Oliver Morris filed a timely appeal from the June 27, 2014, reference 01, decision that disqualified him for benefits based on an Agency conclusion that the June 6, 2014 separation had been adjudicated as part of a prior claim year and that decision remained in effect. After due notice was issued, a hearing was held on September 12, 2014. Mr. Morris participated. Randy McKern represented the employer and presented additional testimony through Steve Hansen. The hearing in this matter was consolidated with the hearing in Appeal No. 14R-UI-08758-JTT. The administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether the claimant's June 6, 2014 separation was previously adjudicated as part of a prior claim year and whether that prior decision remains in effect.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Oliver Morris was employed by Des Moines Regional Transit Authority (DART) as a full-time bus operator from 2003 until June 6, 2014 when the employer discharged him from the employment for having too many preventable accidents. Mr. Morris has not returned to perform any additional work for the employer since the June 6, 2014 discharge. On June 26, 2014 an Iowa Workforce Development Claims Deputy entered a June 26, 2014, reference 03, decision that disqualified Mr. Morris for unemployment insurance benefits based on an Agency finding that Mr. Morris had been discharged for misconduct in connection with the employment. The June 26, 2014, reference 03, decision was based on a claim year that had started for Mr. Morris on July 16, 2013. The reference 03 disqualification decision has been affirmed in Appeal No. 14R-UI-08758-JTT. Mr. Morris established a new original claim year that was effective June 15, 2014.

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 June 26, 2014, reference 03, decision that disqualified Mr. Morris for unemployment insurance benefits, based on the June 6, 2014 discharge and in connection with the 2013 claim year, remains in effect and continues to be binding upon the parties. Likewise, the administrative law judge's decision in Appeal No. 14R-UI-08758-JTT, entered in connection with the 2013 claim year, is binding upon the parties in connection with the new claim year. Mr. Morris is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

DECISION:

The Claims Deputy's June 27, 2014, reference 01, decision is affirmed. The claimant's June 6, 2014 separation was previously adjudicated and that decision remains binding upon the parties in the new claim year. The claimant is disqualified for unemployment benefits until he has worked in and paid wages for insured work equal to ten times his weekly benefit allowance, provided he meets all other eligibility requirements. The employer's account will not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/can