

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAMMY L KRUCKENBERG**  
Claimant

**APPEAL NO. 15A-UI-11549-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CG ACQUISITION CO**  
Employer

**OC: 09/27/15**  
**Claimant: Respondent (1)**

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the October 8, 2015, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged for benefits; based on an Agency conclusion that the claimant's March 7, 2015 separation from the employment had been adjudicated in connection with a prior claim and the prior decision remains in effect. After due notice was issued, a hearing was held on October 30, 2015. Claimant Tammy Kruckenberg participated. The employer was not available for the hearing as scheduled, but provided good cause to reopen the hearing record and participated in the hearing. Exhibit One and 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 prior adjudication continues to bind the parties.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant Tammy Kruckenberg established an original claim that was effective August 3, 2014. On March 7, 2015, Ms. Kruckenberg last performed work for employer CG Acquisition Company. On July 23, 2015, a Workforce Development Claims Deputy entered a reference 01 decision that disqualified Ms. Kruckenberg for benefits and that relieved the employer of liability for benefits; based on an Agency conclusion that Ms. Kruckenberg had voluntarily quit the employment on May 7, 2015 due to a work-related medical condition but without good cause attributable to the employment. The July 23, 2015, reference 01, decision was entered in connection with the claim year that had started for Ms. Kruckenberg on August 3, 2014. Ms. Kruckenberg appealed from the July 23, 2015, reference 01, decision.

On September 23, 2015, Administrative Law Judge (ALJ) Julie Elder held an appeal hearing in Appeal Number 15A-UI-10222-JE-T. Both parties has received appropriate notice of the appeal hearing and provided a telephone number where they could be reached for the hearing. Ms. Kruckenberg participated in the September 23, 2015 appeal hearing. However, the employer representative, Joan Johnson, was not available at the number she provided and

the employer did not participate in the September 23, 2015 appeal hearing. On September 24, 2015, ALJ Elder entered a decision in response to Ms. Kruckenberg's appeal. ALJ Elder found good cause to treat Ms. Kruckenberg's appeal as a timely appeal. ALJ Elder reversed the July 23, 2015, reference 01, decision. ALJ Elder concluded that Ms. Kruckenberg was discharged for no disqualifying reason. ALJ Elder ruled that Ms. Kruckenberg was eligible for benefits, provided she met all other eligibility requirements. The employer received a copy of ALJ Elder's September 24, 2015 decision in Appeal No. 15A-UI-10222-JE-T but did not appeal the decision to the Employment Appeal Board. The decision cover page contained notice of appeal rights and indicated that the appeal was due 15 days from the mailing date of the decision. In other words, the appeal from ALJ Elder's decision was due by October 9, 2015.

On August 1, 2015, the claim year that had begun for Ms. Kruckenberg on August 3, 2014 expired. Ms. Kruckenberg established a new claim year that was effective September 27, 2015. On October 8, 2015, a Workforce Development Claims Deputy entered the October 8, 2013, reference 01, decision that allowed benefits to Ms. Kruckenberg, provided she was otherwise eligible, and that held the employer's account could be charged for benefits; based an Agency conclusion that the claimant's March 7, 2015 separation from the employment had been adjudicated in connection with a prior claim and the prior decision remains in effect. The October 8, 2015, reference 01, decision was entered in connection with the new claim year that started on September 27, 2015. On October 16, 2015, the employer filed an appeal from the October 8, 2015, reference 01, decision. The employer attached a copy of that decision to its appeal. The employer did not attach a copy of ALJ Elder's September 24, 2015 decision to its appeal. The employer attached a purported resignation form signed by Ms. Kruckenberg on August 10, 2015. However, Ms. Kruckenberg had not returned to perform additional work for the employer at any point since she last performed work for the employer on March 7, 2015.

#### **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).

Administrative Law Judge Julie Elder's September 24, 2015 decision in Appeal No. 15A-UI-10222-JE-T became a final Agency decision when the employer did not appeal the decision to the Employment Appeal Board by the October 9, 2015 appeal deadline. Indeed, the employer has never appealed ALJ Elder's decision. ALJ Elder's decision adjudicated the issues related to Ms. Kruckenberg's separation from the employment. ALJ Elder's decision reversed the lower decision that had disqualified Ms. Kruckenberg for benefits and that had relieved the employer of liability for benefit. ALJ Elder explicitly stated in her decision that Ms. Kruckenberg was eligible for benefits in connection with the separation, provided she was otherwise eligible. The effect of the decision was to establish liability on the part of the employer for benefits paid to Ms. Kruckenberg. ALJ Elder's decision remains binding upon the parties in connection with the new claimant year that started for Ms. Kruckenberg on September 27, 2015.

**DECISION:**

The October 8, 2015, reference 01, decision is affirmed. The issues related to the claimant's separation from the employment were adjudicated in connection with the prior claim year. The prior decision remains binding upon the parties in connection with the new claim year. The claimant is eligible for benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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