

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES CRABTREE
Claimant

APPEAL NO: 11A-UI-02148-E

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05-02-10
Claimant: Appellant (1)

Code Section 96.5-2-a - Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 17, 2011, reference 03, decision which held that his separation from Best Heating, Cooling & Electric had been adjudicated on a prior claim and remains in effect. After due notice was issued, a hearing was held in Des Moines, Iowa, before Administrative Law Judge Julie Elder on March 16, 2011. The claimant participated in the hearing.

ISSUE:

The issue is whether the separation in the case herein has been previously adjudicated or is being adjudicated in a separate decision.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A hearing was held simultaneously with this hearing regarding the claimant's separation from the employer. The decision will become final unless the claimant appeals the decision to the Employment Appeal Board.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant's separation from this employer has been previously adjudicated or is being adjudicated in a separate decision.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

- a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

A finding of fact or law, judgment, conclusion, or final order made by an employee or representative of Workforce Development, an administrative law judge, or the Employment Appeal Board is binding upon the parties in connection with proceedings pertaining to the Iowa Employment Security Act. See Iowa Code § 96.6(4). A decision of a Workforce Development claims representative becomes a final Agency decision if there is no appeal from the decision filed within ten days of the mailing date of the decision. See Iowa Code § 96.6(2).

In the present case, the claimant's separation from the employer is being adjudicated in a separate decision. Accordingly, both parties are bound by that decision unless an appeal is filed and the decision is subsequently reversed.

DECISION:

The February 17, 2011, reference 03, decision is affirmed. The claimant's separation is being adjudicated in a separate decision and that determination will become final in the absence of a timely appeal.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs