

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALFRED LEGGETT
Claimant

APPEAL NO: 14A-UI-01274-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALPLA INC
Employer

OC: 12/01/13
Claimant: Appellant (6)

Iowa Code § 96.5-2-a - Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

Alfred Leggett (claimant) appealed an unemployment insurance decision dated January 3, 2014, reference 01, which held that he was not eligible for unemployment insurance benefits because he was discharged from Alpla, Inc. (employer) for work-related misconduct. Due notice was issued scheduling the matter for a telephone hearing to be held February 26, 2014. Since there had been a previous decision issued which addressed the same separation, no hearing was necessary as the subsequent decision was issued in error.

ISSUE:

The issue is whether the separation in the case herein has been previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: On December 13, 2013, a decision was issued concerning the claimant's separation from the employer. The decision, reference 01, allowed benefits to the claimant. The decision became final in the absence of an appeal.

The January 3, 2014, reference 01, decision denying benefits based on the same separation was issued in error.

REASONING AND CONCLUSIONS OF LAW:

There was, in fact, a decision issued on December 13, 2013, concerning the separation. No appeal was filed and that decision has become final pursuant to Iowa Code § 96.6-2. The subsequent decision regarding the same separation was issued in error. The administrative law judge has no legal authority to re-adjudicate an otherwise final determination. Therefore, benefits shall be paid in accordance with the decision of December 13, 2013.

DECISION:

The unemployment insurance decision dated January 3, 2014, reference 01, is dismissed. The matter was previously adjudicated and this decision was issued in error.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs