

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**BRITTANY DALTON**

Claimant

**APPEAL 21A-UI-25273-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IMAGINE THE POSSIBILITIES INC**

Employer

**OC: 11/07/21**

**Claimant: Appellant (2)**

Iowa Code § 96.5(2)a – Discharge/Misconduct  
Iowa Admin. Code r. 871-24.32(7) – Absenteeism  
Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights  
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 22, 2021, (reference 01) decision that denied benefits. That issue was adjudicated in appeal number 21A-UI-25272-DG-T and a decision was issued on November 9, 2021. After due notice was issued, a hearing was held by telephone conference call on January 12, 2022. Claimant participated. Employer participated through Shara Mueller, Director of Human Resources. The administrative law judge took official notice of the administrative record including the fact-finding documents.

**ISSUE:**

Was the issue adjudicated in a prior decision?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The separation issue presented was resolved in a prior claim year (original claim date November 8, 2020) as the representative's decision dated November 9, 2021, (reference 02) that denied benefits. Claimant's timely appeal from that decision has been reversed in appeal number (21A-UI-25272-DG-T).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year and that decision has been reversed. Accordingly, this decision is also reversed.

Iowa Admin. Code r. 871-24.28(6) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(6) The claimant voluntarily left employment. However, there shall be no disqualification under Iowa Code section 96.5(1) if a decision on this same separation has been made on a prior claim by a representative of the department and such decision has become final.

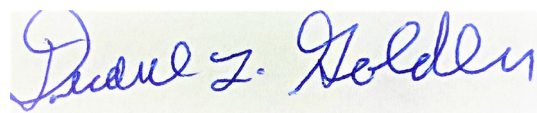
Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

The separation issue presented was resolved in a prior claim year (original claim date November 8, 2020) as the representative's decision dated November 9, 2021, (reference 02). That decision has been reversed in (21A-UI-25272-DG-T). The current decision, referring to the prior claim year decision on the same separation date, is also reversed.

**DECISION:**

The November 22, 2021, (reference 01) decision is reversed since the prior decision on the separation has been reversed. Benefits are allowed, provided the claimant is otherwise eligible.



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Duane L. Golden  
Administrative Law Judge

February 9, 2022  
Decision Dated and Mailed

dlg/scn