

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MINNIA JOSEPH
Claimant

SWIFT PORK COMPANY
Employer

APPEAL 21A-UI-20422-SN-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/14/20
Claimant: Appellant (1)

Iowa Code § 96.6(3) – Prior Adjudication
Iowa Admin. Code r. 24.19(1) – Prior Adjudication

STATEMENT OF THE CASE:

The claimant, Minnia Joseph, filed an appeal from the September 13, 2021, (reference 01) unemployment insurance decision that denied benefits based upon the conclusion she was discharged due to excessive absenteeism. The parties were properly notified of the hearing. A telephone hearing was held on November 10, 2021. This appeal was heard jointly with 21A-UI-20420-SN-T and 21A-UI-20421-SN-T. The claimant participated. The employer did not participate.

ISSUE:

Whether the separation at issue has been previously adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior claim year and that decision has become final.

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 become final.

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

Voluntary quit re-qualifications 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.

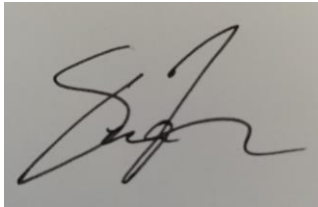
Iowa Admin. Code r. 24.19(1) provides:

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 issue presented was resolved in a prior claim year (original claim date June 14, 2020) as the representative's decision dated September 13, 2021, reference 03. The claimant appealed this decision which resulted in a reversal in her favor in, 21A-UI-20421-SN-T. The current decision, referring to the prior claim year decision on the same separation date, is affirmed.

DECISION:

The September 13, 2021, (reference 01), decision is affirmed. The prior decision on the separation remains in effect.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is displayed within a rectangular box.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

December 30, 2021
Decision Dated and Mailed

smn/mh