

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**ROBERT W FREEMAN**

Claimant,

and

**JG SERVICE/JEFF GOULD**

Employer.

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**HEARING NUMBER: 10B-UI-04611**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**N O T I C E**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.6-2**

**D E C I S I O N**

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGILBE**

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

**FINDINGS OF FACT:**

The claimant established an unemployment insurance benefit year effective February 15, 2009. He filed weekly claims and received unemployment insurance benefits from the week ending February 21, 2009 through February 13, 2010. Once the claimant's 2009 claim year expired as of February 13, 2010; he filed to establish a second claim year effective February 14, 2010. An Agency representative issued a determination dated March 17, 2010 (OC 02/15/09 - reference 01), based on the claimant's 2009 claim year. That determination concluded that the claimant was not eligible for benefits as of May 21, 2009 due to a refusal of an offer of work. In the concurrently issued decision in 10A-UI-04610-D, that determination was affirmed with the modification that the disqualification is effective as of May 28, 2009. However, a subsequent appeal to the Employment Appeal Board yielded a reversal of the administrative law judge's decision (10B-UI-04610).

Due to the creation of the second benefit year, another representative's decision was issued dated March 18, 2010 (OC 02/14/10 – reference 01), the subject of this appeal. That decision carries the effect of the (OC 02/15/09 – reference 01) determination into the new claim year.

## **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6 (2) (2009) provides as follows:

*Initial determination.* A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed...Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision...

If a prior determination has been made on the same issue and becomes final, the decision on that issue will be binding on the parties in related proceedings. See, Iowa Code section 96.6-2, *supra*. The establishment of a new claim year does not negate or erase the affect of the prior determination. Because the prior determination (10A-UI-04810-D) has been reversed by the Board's decision (10B-UI-04610), the claimant's disqualification no longer exists.

**DECISION:**

The administrative law judge's decision dated May 17, 2010 is **REVERSED**. The Employment Appeal Board concludes that the claimant is allowed benefits provided he is otherwise eligible.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser

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