

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant separated from the employer herein on September 22, 2004, and a decision was issued denying benefits. That decision became final and remains in effect.

The claimant has subsequently worked for and was separated from HCP Temporary Staffing (employer account 326799) on September 23, 2005. The initial determination was made with regard to the wrong employer and there has been no determination made as to whether the claimant's separation from HCP Temporary Staffing was disqualifying or not.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's separation from this employer has been previously adjudicated. Both parties agree that it has been and that decision has become final. The administrative law judge has no legal authority to re-adjudicate an otherwise final determination.

However, there has been no determination made as to the claimant's separation from her most recent employer. Therefore, this matter must be remanded to the Claims Section for a proper determination as to the claimant's eligibility for benefits based on the correct employer.

DECISION:

The unemployment insurance decision dated October 4, 2005, reference 01, is affirmed. This case is remanded to the Claims Section for a determination on whether the claimant is eligible for benefits based on her separation from her most recent employer.

sdb/kjw