

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VICKIE L RAILEY
Claimant

HY VEE INC
Employer

APPEAL 21A-UI-14427-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/21/21
Claimant: Respondent (1)**

Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.28 – Prior Adjudication

STATEMENT OF THE CASE:

Employer filed an appeal from the June 14, 2021 (reference 02) unemployment insurance decision that found the issue of separation was adjudicated in a prior claim year. The parties were properly notified of the hearing. A telephone hearing was held on August 19, 2021, at 1:05 p.m. Claimant participated. Employer participated through Erin Bewley, Hearing Representative, and Sean Milbrandt, Manager. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether the issue has been previously adjudicated.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue of claimant's separation from Hy-Vee was resolved in a prior claim year (original claim date March 22, 2020); the unemployment insurance decision dated June 14, 2021 (reference 03) allowed claimant benefits because she voluntarily quit without good cause attributable to employer. The June 14, 2021 (reference 03) decision has been reversed on appeal; the decision on appeal (21A-UI-14426-AW-T) is final.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the decision at issue has been adjudicated in a prior claim year.

Iowa Code section 96.6(3) provides:

3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose

either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

No disqualification is imposed if a decision on the 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. 871-24.28.

Claimant's separation from employer was resolved in a prior claim year; the prior decision has become final.

DECISION:

The June 14, 2021 (reference 02) unemployment insurance decision is affirmed. The issue of separation was adjudicated in a prior claim year; the prior decision on separation remains in effect.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

August 25, 2021
Decision Dated and Mailed

acw/ol

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.