

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**SCOTT CLARK**  
Claimant

**APPEAL NO. 12A-UI-06474-WT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BIERMANN'S UNIVERSITY ELEC CO INC**  
Employer

**OC: 4/15/12  
Claimant: Appellant (1)**

871 IAC 24.28(6) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a fact-finding decision dated May 22, 2012, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 29, 2012. Employer participated by Scott Biermann, Corporate Secretary and Treasurer. Claimant called in a number pursuant to the hearing notice but failed to respond to his phone for the hearing notice and did not participate.

**ISSUE:**

The issue in this matter is whether the claim was previously adjudicated.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant voluntarily quit on April 10, 2012 by employer because of non-work-related health problems.

This matter was adjudicated in a fact-finding decision dated May 21, 2012, and by appeal number 12A-UI-06473-WT.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 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.

In this matter, the evidence has established that the claim was previously adjudicated by fact-finding decision of May 21, 2012 reference 02. The bureau is without authority to rehear this matter as a decision was issued on the merits. The issue cannot be adjudicated a second time.

**DECISION:**

The decision of the representative dated May 22, 2012, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Joseph L. Walsh  
Administrative Law Judge

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Decision Dated and Mailed

jlw/css