

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**TROY A WIXOM**  
Claimant

**ABRH LLC**  
Employer

**APPEAL 18A-UI-09706-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/22/18**  
**Claimant: Appellant (2)**

---

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 18, 2018 (reference 04) unemployment insurance decision that denied benefits based upon a determination that claimant was discharged for violation of a known company rule. The parties were properly notified of the hearing. A telephonic hearing was commenced on Friday, October 5, 2018. The claimant, Troy A. Wixom, participated. The employer, ABRH, L.L.C., did not register a telephone number at which to be reached and did not participate in the hearing. The administrative law judge determined that additional issues needed to be added to the hearing notice, and the hearing was rescheduled for Monday, October 22, 2018, at 1:00 p.m. Neither party appeared for this hearing. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Was the issue adjudicated in a prior representative's decision?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated as the unemployment insurance decision dated May 17, 2018, reference 01. That decision in favor of the employer was appealed by the claimant and was reversed in Administrative Law Judge Julie Elder's decision dated June 15, 2018. That decision was not appealed by the employer, and it has become final.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has already been adjudicated.

Iowa Admin. Code r. 871-24.28(7) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(7) 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 the administrative law judge and such decision has become final.

In this case, the administrative record reflects that the separation was initially adjudicated in the reference 01 decision. That decision was appealed, and the ALJ reversed the decision. Inasmuch as the issue presented here was resolved in the prior decision, the reference 04 decision is similarly reversed.

**DECISION:**

The September 18, 2018 (reference 04) unemployment insurance decision is reversed. Claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

---

Elizabeth A. Johnson  
Administrative Law Judge

---

Decision Dated and Mailed

lj/scn