

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTINA M NEWSOME
Claimant

APPEAL NO. 12A-UI-10134-MT

**ADMINISTRATIVE LAW JUDGE
NUNC PRO TUNC DECISION**

IOWA ENT & SINUS SURGERY CENTER P
Employer

**OC: 07/15/12
Claimant: Respondent (1)**

871 IAC 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated August 10, 2012, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 17, 2012. Claimant participated. Employer participated by Cindy Fellers, Clinic Manager.

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 last worked for employer on September 15, 2011.

Claimant was laid off on September 15, 2011 by employer because employer believed claimant to be unreliable.

This matter was adjudicated in a decision dated August 9, 2012, reference 03.

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 decision August 9, 2012, reference 03. The bureau is without authority to rehear this matter as

a decision was issued on the merits and is pending the appeal process. The issue cannot be adjudicated a second time.

NUNC PRO TUNC DECISION:

The decision of the representative dated August 10, 2012, reference 01, is affirmed. This matter has been previously adjudicated. The parties must appeal from the prior decision.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css/css