

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY L KEHOE
Claimant

APPEAL NO. 11A-UI-11295-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 07/10/11
Claimant: Appellant (1)

Section 96.6-3 – Previous Adjudication

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated August 16, 2011, reference 01, which held the claimant not eligible to receive unemployment insurance benefits, finding that the claimant's February 11, 2011, separation was adjudicated on a prior claim and that decision remains in effect. After due notice was issued, a telephone hearing was held on September 22, 2011. The claimant participated personally. The employer participated by Ms. Paula Mack, hearing representative, and witness Ms. Kelly Nieland, human resource manager.

ISSUE:

The issue is whether the separation was adjudicated in a prior claim year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior claim year and that decision has become final.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation issue has been adjudicated on a prior claim year and that decision has become final.

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.

The issue presented was resolved in a prior claim year (Original Claim Date: 07/11/10), as the representative's decision referring to a prior claim year has the same separation date and the same factors involved. The decision dated August 16, 2011, reference 01, is affirmed.

DECISION:

The representative's decision dated August 16, 2011, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits, as the decision on the February 11, 2011, separation was made on a prior claim year and that decision remains in effect.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw