

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARGIE B ROUSE
Claimant

APPEAL NO. 08A-UCFE-00002-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

US POSTAL SERVICE
Employer

**OC: 02/17/08 R: 01
Claimant: Appellant (2)**

871 IAC 24.19(1) – Determination and Review of Benefit Rights
871 IAC 24.28(6-8) – Prior Adjudication
Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Margie Rouse (claimant) appealed a representative's February 28, 2008 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because a decision was issued on this separation from US Postal Service (employer) and that decision remained in effect. The claimant participated personally. The employer did not provide a telephone number where it could be reached and, therefore, did not participate in the hearing. The claimant offered and Exhibit A was received into evidence.

ISSUE:

The issue is whether the claimant is eligible to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The previously adjudicated decision has been reversed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the previously adjudicated decision has been reversed.

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.

871IAC 24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

The issue presented was resolved in a prior claim year (original claim date February 18, 2007) as the representative's decision dated February 20, 2008, reference 04. The current decision referring to the prior claim year decision is reversed.

DECISION:

The representative's February 28, 2008 decision (reference 01) is reversed. The prior decision on the separation has been reversed.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw