

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LOIS DENLINGER
Claimant

APPEAL NO: 13A-UI-00374-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 12/02/12
Claimant: Appellant (1)

871 IAC 24.28(6) - Separation Previously Adjudicated

STATEMENT OF THE CASE:

Lois Denlinger (claimant) appealed an unemployment insurance decision dated January 3, 2013, reference 03, which held that her separation from Care Initiatives (employer) had been adjudicated on a prior claim and that decision remains in effect. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 19, 2013. The claimant participated in the hearing. The employer participated through Kristina Kelley, Hearing Representative. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the separation in the case herein has been previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: A disqualification decision was issued on July 20, 2012 regarding the claimant's June 5, 2012 separation from Care Initiatives. The claimant appealed the decision and an appeal hearing was held on August 22, 2012 in which both the claimant and the employer participated. The administrative law judge issued a decision on August 23, 2012, affirming the disqualification decision. The claimant received the disqualification decision and appealed it to the Employment Appeal Board. The Board affirmed the administrative law judge's decision on November 5, 2012 and the claimant received a copy of the Board's determination.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant's separation from this employer has been previously adjudicated.

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.

A finding of fact or law, judgment, conclusion, or final order made by an employee or representative of Workforce Development, an administrative law judge, or the Employment Appeal Board is binding upon the parties in connection with proceedings pertaining to the Iowa Employment Security Act. See Iowa Code § 96.6(4). There was, in fact, an Employment Appeal Board decision issued on November 5, 2012, which affirmed the claimant's disqualifying separation from the employer. Accordingly, the parties are bound by that decision and are precluded from litigating anew the claimant's separation from employment.

DECISION:

The unemployment insurance decision dated January 3, 2013, reference 03, is affirmed. The claimant's separation has been previously adjudicated and that decision has become final.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs