

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**HAROLD C DEVOOGD JR  
702 L AVE  
BOONE IA 50036**

**MAJORS CONCRETE COMPANY  
428 STORY ST  
BOONE IA 50036**

**Appeal Number: 06A-UI-02503-JTT  
OC: 01/01/06 R: 02  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.28(6) - Prior Adjudication

STATEMENT OF THE CASE:

The claimant, Harold Devoogd, filed an appeal from the January 17, 2006, reference 01, decision that denied benefits based on a prior adjudication concerning the same separation from employment.

On March 7, 2006, the administrative law judge had conducted a hearing in Appeal Number 06A-UI-01944-JTT. That matter concerned the claimant's appeal from the November 3, 2005, reference 04, decision that denied benefits in connection with the September 2, 2005 separation. The administrative law judge concluded the claimant's appeal was untimely. Mr. Devoogd and the employer both participated in the March 7 hearing. At the time of the March 7 hearing, the administrative law judge took official notice of the Agency administrative file concerning Mr. Devoogd's claim for benefits that was effective December 19, 2004 and the

new claim that was effective January 1, 2006. The case file concerning the present matter was not available to the administrative law judge at the March 7 hearing.

The administrative law judge hereby takes official notice of the decision entered in Appeal Number 06A-UI-01944-JTT, the evidence presented at the March 7, 2006, and the Agency administrative file concerning the claim for benefits that was effective December 19, 2004 *and* the new claim that was effective January 1, 2006. Based on the evidence presented at a March 7 hearing and the Agency administrative file, further hearing is not necessary.

#### 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. The prior decision has become final and remains in effect.

Mr. Devoogd separated from the employment on September 2, 2005. On December 19, 2004, Mr. Devoogd had established a claim for benefits. After Mr. Devoogd separated from the employment on September 2, 2005, Mr. Devoogd established an additional claim for benefits in the same benefit year. An Agency representative's November 3, 2005, reference 04, decision denied benefits. The denial of benefits became a final Agency decision when Mr. Devoogd failed to file a timely appeal. The decision denying benefits remains in effect. The present claim, in a new benefit year, is based on the same separation at issue and adjudicated by the Agency representative's November 3, 2005, reference 04, decision.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the decision at issue has been adjudicated in a prior claim year.

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 present claim, in a new benefit year, is based on the same separation at issue and adjudicated by the Agency representative's November 3, 2005, reference 04, decision, which denied benefits and remains in effect. The Agency representative's January 17, 2006, reference 01, decision that denied benefits based on a prior adjudication concerning the same separation from employment is affirmed.

DECISION:

The Agency representative's January 17, 2006, reference 01, decision that denied benefits based on a prior adjudication concerning the same separation from employment is affirmed. The prior adjudication set forth in the November 3, 2005, reference 04, decision remains in effect.

jt/kkf