

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROLYN L POWER
Claimant

APPEAL NO. 11A-UI-12758-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARKETLINK INC
Employer

**OC: 09/11/11
Claimant: Appellant (2)**

871 IAC 24.19(1) – Determination and Review of Benefit Rights
871 IAC 24.28(6-8) – Prior Adjudication

STATEMENT OF THE CASE:

Carolyn Power (claimant) appealed a representative's September 23, 2011 decision (reference 01) that concluded there was a previous adjudication of her separation with Marketlink (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 10, 2011. The claimant participated personally. The employer participated by Amy Potratz, Human Resources Manager.

ISSUE:

The issue is whether the matter has been previously adjudicated.

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 disqualification decision has been reversed.

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 and that disqualification 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 § 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.

871 IAC 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 September 12, 2010) as the representative's decision dated September 14, 2011, reference 02. The decision at issue has been adjudicated in a prior claim year and that disqualification decision has been reversed.

DECISION:

The September 23, 2011, reference 01, decision is reversed. The decision at issue has been adjudicated in a prior claim year and that disqualification decision has been reversed.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs