

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENIFER RUGAARD
Claimant

APPEAL NO: 10A-UI-08864-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARCHERS-DANIEL-MIDLAND LLC
Employer

OC: 01/10/10
Claimant: Appellant (2)

Iowa Code § 96.5-2-a - Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

Jenifer Rugaard (claimant) appealed an unemployment insurance decision dated June 9, 2010, reference 04, which held that she was not eligible for unemployment benefits because she voluntarily quit her employment with Archers Daniels Midland (employer) without good cause attributable to the employer. Due notice was issued scheduling the matter for a telephone hearing to be held on August 9, 2010 but the hearing was postponed to September 11, 2010. Both parties responded to the hearing notice instructions but no hearing was necessary by agreement of the parties as the decision was able to be made based upon the evidence in the record. 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 reviewed and considered all of the evidence in the record, finds that: On February 3, 2010, a decision was issued concerning the claimant's separation from the employer. The decision, reference 02, allowed benefits to the claimant. Iowa Workforce Development has no record of any appeal having been filed on or before February 13, 2010.

Iowa Workforce then mistakenly scheduled another fact-finding interview and a subsequent decision was issued regarding the same separation. The subsequent decision denied benefits to the claimant.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

There was, in fact, a decision issued on February 3, 2010, concerning the separation. 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). A decision of a Workforce Development Claims representative becomes a final Agency decision if there is no appeal from the decision filed within ten days of the mailing date of the decision. See Iowa Code § 96.6(2).

No appeal was filed and that decision has become final pursuant to Iowa Code § 96.6-2. The administrative law judge has no legal authority to re-adjudicate an otherwise final determination. Therefore, benefits shall be paid in accordance with the decision of February 3, 2010.

DECISION:

The unemployment insurance decision dated June 9, 2010, reference 04, is reversed. The claimant's separation has been previously adjudicated and the determination has become final in the absence of a timely appeal. Benefits are allowed.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css