

**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**

**DEBORAH K SCHOONOVER  
2113 NW 9<sup>TH</sup> ST  
ANKENY IA 50021**

**SCHNEIDER NATIONAL CARRIERS INC  
C/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283**

**ROGER J KUHLE  
ONE CORPORATE PL STE 110  
1501 – 42<sup>ND</sup> ST  
WEST DES MOINES IA 50266**

**Appeal Number: 04A-UI-00194-HT  
OC: 06/15/03 R: 02  
Claimant: Respondent (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, 4<sup>th</sup> 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)

Section 96.6-2 – Prior Adjudication

STATEMENT OF THE CASE:

The employer, Schneider National Carriers, Inc. (Schneider), filed an appeal from a decision dated December 29, 2003, reference 07. The decision allowed benefits to the claimant, Deborah Schoonover. After due notice was issued a hearing was held by telephone conference call on January 30, 2003. The claimant participated on her own behalf. The employer participated by Senior Service Team Leader Jeff Morse and was represented by UC Express in the person of Susan Zevin.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Deborah Schoonover filed a claim for unemployment benefits with an effective date of June 15, 2003. A hearing was held on August 13, 2003, which the claimant did not attend. The Employment Appeal Board remanded the matter for a new hearing which was held on October 9, 2003, in Appeal Number 03A-UI-10889-LT. A decision was issued in that case on October 15, 2003, and was not appealed.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the separation has been previously adjudicated. The judge concludes is has.

Iowa Code Section 96.6-2 provides:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 10, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The final agency action in this matter was the decision in Appeal Number 03A-UI-10889-LT. That decision has become final as no appeal was made to the Employment Appeal Board. The claimant's separation from employment has been previously adjudicated and has become final.

DECISION:

The representative's decision of December 29, 2003, reference 07, is affirmed. Deborah Schoonover is qualified for benefits, provided she is otherwise eligible, the issue of her separation having been previously adjudicated.

bgh/b