

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAMELA S WATERS
Claimant

APPEAL NO. 13A-UI-04207-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST PROFESSIONAL STAFFING LLC
Employer

OC: 03/24/13
Claimant: Appellant (1)

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Pamela Waters filed a timely appeal from the April 3, 2013, reference 01, decision that denied benefits in connection with a December 6, 2012 separation based on an agency conclusion that the separation had been adjudicated as part of a prior claim and that the prior decision remained in effect. After due notice was issued, a hearing was held on May 15, 2013. Ms. Waters participated. Bill Rains represented the employer. Exhibits A and One were received into evidence.

ISSUE:

Whether the December 6, 2012 separation from the employment has been previously adjudicated and whether that adjudication continues to bind the parties. There was a prior adjudication and it does remain in effect.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Pamela Waters separated from Midwest Professional Staffing, L.L.C., on December 6, 2012. Ms. Waters has not worked for the employer since that separation date. On December 16, 2012, Ms. Waters established an additional claim for benefits. The additional claim was based on a benefit year that had started on February 19, 2012. On January 11, 2013, a Workforce Development representative entered a reference 02 decision that allowed benefits and that held the employer's account could be charged for benefits. The employer appealed that decision.

On February 20, 2013, the parties participated in an appeal hearing before Administrative Law Judge Terence Nice. On March 6, 2013, Judge Nice entered a decision that reversed the January 11, 2013, reference 02, decision. Judge Nice ruled that Ms. Waters had voluntarily quit on December 6, 2012 without good cause attributable to the employer. Judge Nice ruled that Ms. Waters was disqualified for benefits and that the employer's account would not be charged. See Appeal Number 13A-UI-00726-NT.

Ms. Waters appealed Judge Nice's decision in Appeal Number 13A-UI-00726-NT. On April 26, 2013, the Employment Appeal Board entered a decision that affirmed Judge Nice's decision in

Appeal Number 13A-UI-00726-NT in its entirety. See Hearing Number 13B-UI-00726. Ms. Waters has not filed a Petition for Judicial Review in response to the Employment Appeal Board decision. Ms. Waters has filed a request for rehearing with the Employment Appeal Board, but no action has been taken on that matter thus far.

Ms. Waters established a new original claim for benefits, and a new benefit year, that was effective March 24, 2013. On April 3, 2013, a Workforce Development representative entered the April 3, 2013, reference 01, decision that denied benefits in connection with a December 6, 2012 separation based on an agency conclusion that the separation had been adjudicated as part of a prior claim and that the prior decision remained in effect. It is that decision from which Ms. Waters is appealing in this matter.

REASONING AND CONCLUSIONS OF LAW:

Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the employment appeal board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4).

The Employment Appeal Board's decision in Hearing Number 13B-UI-00726 was a final agency decision concerning the December 6, 2012 separation. That decision disqualified Ms. Waters for benefits and relieved the employer for liability for benefits. That decision, entered in connection with the claim year that started February 19, 2012, remains in effect in the new claim year that started on March 24, 2013. The decision continues to bind the parties. Ms. Waters is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. Ms. Waters has to meet all other eligibility requirements. The employer's account will not be charged.

DECISION:

The Agency representative's April 3, 2013, reference 01, decision is affirmed. The claimant's December 6, 2012 separation was adjudicated to a final agency decision by the Employment Appeal Board in connection with a prior claim year. The claimant has not filed a Petition for Judicial Review and the Employment Appeal Board's decision has not been amended or vacated. The Employment Appeal Board's decision disqualified the claimant for unemployment insurance benefits and relieved the employer of liability for benefits. That decision remains binding upon the parties in the new claim year.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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