

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DONALD D BALENTINE**  
Claimant

**APPEAL NO. 07A-UI-10094-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KEOKUK AREA GROUP HOME INC**  
Employer

**OC: 04/08/07 R: 04**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the October 24, 2007, reference 04, decision that denied benefits based upon a decision earlier in the same benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on November 19, 2007. Claimant participated. His witness, Clara Deck, was not available. Employer participated through Kevin Coffield and Clara Cannon.

**ISSUE:**

The issue is whether the separation was adjudicated earlier in the same claim year.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an additional claim for the April 8, 2007 claim year on September 30, 2007. The decision at issue has been adjudicated earlier in the same claim year and that decision has become final.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated earlier in the same claim year and that decision has become final.

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.

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 April 8, 2007) as the representative's decision dated April 25, 2007, reference 01. The current decision, referring to the earlier decision in the same claim year for the same separation date, is affirmed.

**DECISION:**

The October 24, 2007, reference 04, decision is affirmed. The prior decision on the separation remains in effect.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw