

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VALICIA R WATKINS**  
Claimant

**APPEAL NO. 09A-UI-10215-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEARS ROEBUCK & CO**  
Employer

**OC: 12/21/08**  
**Claimant: Appellant (3)**

Iowa Code Section 96.6(4) – Effect of Final Agency Decision

**STATEMENT OF THE CASE:**

Valicia Watkins filed a timely appeal from the July 15, 2009, reference 03, decision that denied benefits effective December 21, 2009 in connection with a voluntary separation from the employer. After due notice was issued, a hearing was set for August 3, 2009. Ms. Watkins appeared. Bridgit Clark appeared on behalf of the employer. Based on a review of the Agency's administrative file, the administrative law judge concludes that a hearing is not necessary or appropriate. The administrative law judge enters the following decision based on the content of the Agency's administrative file.

**ISSUE:**

Whether the issue ruled upon in the July 15, 2009, reference 03, decision and the issues raised in the claimant's appeal from that decision have already been determined and have become a final Agency decision.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: On February 9, 2009, a Workforce Development representative entered a reference 01 decision that denied benefits effective December 21, 2008. The decision concluded that Ms. Watkins had requested and received a leave of absence from the employer, was voluntarily unemployed and was unavailable for work. The decision carried a February 19, 2009 deadline for appeal.

Ms. Watkins filed an untimely appeal from the February 9, 2009, reference 01, decision. An appeal hearing was set for March 23, 2009 and the parties were properly notified. The employer appeared for the hearing, but Ms. Watkins did not. The administrative law judge entered a decision on the record. The decision specifically addressed the voluntarily separation from the employment, the leave of absence, and the timeliness issues. The decision denied benefits. The deadline for appeal the administrative law judge's decision was 15 days from the March 24, 2009 mailing date of the decision. See Appeal Number 09A-UI-03032-DT.

Ms. Watkins filed an untimely appeal from the administrative law judge's decision. On April 30, 2009, the Employment Appeal Board affirmed the administrative law judge's decision denying

benefits based on Ms. Watkins' untimely appeal to the Employment Appeal Board. The Employment Appeal Board decision specifically indicated it was addressing the voluntary separation from the employment. The Employment Appeal Board's decision notified Ms. Watkins of her right to appeal the decision to a District Court within 30 days of the April 30, 2009 decision. See Hearing Number 09B-UI-03032.

Ms. Watkins did not appeal to a District Court, but subsequently attempted to reopen and re-litigate the issues relating to her same separation from the employment. On July 15, 2009, the Claims Division entered a reference 03 decision that again denied benefits effective December 21, 2008. The reference 03 decision was based on the same December 21, 2008 original claim date and the same separation from the employment. The reference 03 decision again concluded that Ms. Watkins had requested and received a leave of absence from the employer, was voluntarily unemployed and was unavailable for work. Ms. Watkins filed an appeal from the reference 03 decision. A hearing was set for August 3, 2009 and the parties were properly notified.

**REASONING AND CONCLUSIONS OF LAW:**

A finding of fact or law, judgment, conclusion, or final order entered by an employee or representative of Workforce Development, administrative law judge, or the Employment Appeal Board, is binding upon the parties to proceedings brought under the Employment Security Act. See Iowa Code section 96.6(4).

The issues addressed by the July 15, 2009, reference 03, decision, and the issues addressed in Ms. Watkins appeal from that decision had already been litigated to a final Agency decision. The finality of the Agency's decision has been affirmed twice, first by the administrative law judge, and then by the Employment Appeal Board. The Claims Division was without authority to enter a new decision in connection with the issues that had been previously litigated. The previous decisions bind the parties. The claimant cannot re-litigate the issues. The administrative law judge is without legal authority to hear the claimant's appeal in light of the prior final Agency decision.

**DECISION:**

The Agency representative's July 15, 2009, reference 03 is vacated. The Claims Division was without authority to enter a new decision on issues that had been previously litigated to a final Agency decision. The previous decisions bind the parties. The claimant cannot re-litigate the issues. The administrative law judge is without legal authority to hear the claimant's appeal in light of the prior final Agency decision. The claimant's appeal is dismissed.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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