

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER L SCHOFIELD
Claimant

APPEAL 21A-UI-14584-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IML CONTAINERS IOWA INC
Employer

**OC: 04/04/21
Claimant: Appellant (1)**

Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.28 – Previous Adjudication

STATEMENT OF THE CASE:

On June 25, 2021, Jennifer Schofield (claimant/appellant) filed an appeal from the June 23, 2021 (reference 01) unemployment insurance decision that allowed benefits based on a finding that a decision on the separation was made on a prior claim and remained in effect.

A telephone hearing was held on September 14, 2021. The parties were properly notified of the hearing. Claimant participated personally. IML Containers Iowa Inc (employer/respondent) participated by HR Generalist Amanda Menin. No evidence was taken as there was sufficient information in the administrative record to resolve the matter noticed.

ISSUE:

Was the issue adjudicated in a prior representative's decision?

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds:

Claimant filed an original claim for unemployment insurance benefits with an effective date of March 22, 2020. An unemployment insurance decision was issued on March 13, 2021 (reference 05) that denied benefits based on a finding claimant voluntarily quit work on December 31, 2020 without good cause attributable to employer. That decision remains in force. See 21A-UI-10520-JD-T. Claimant then filed another original claim in a subsequent benefit year effective April 4, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the June 23, 2021 (reference 01) unemployment insurance decision that allowed benefits based on a finding that a decision on the separation was made on a prior claim and remained in effect is **AFFIRMED**.

Iowa Code section 96.6(3) provides:

3. Appeals.

a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

Because the separation issue presented was resolved in a prior claim year and remains in force, the current decision - referring to the same separation from employment - is affirmed.

DECISION:

The June 23, 2021 (reference 01) unemployment insurance decision that allowed benefits based on a finding that a decision on the separation was made on a prior claim and remained in effect is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

September 20, 2021 _____
Decision Dated and Mailed

abd/ol

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.