

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: Claimant last worked for employer on July 28, 2004.

Claimant was discharged on July 28, 2004 by employer because claimant stole some candy bars.

This matter was adjudicated in a decision dated September 8, 2004, and by appeal number 05A-UI-10511-MT.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether the claim was previously adjudicated.

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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of September 8, 2004, reference 01. The bureau is without authority to rehear this matter, as a decision was issued on the merits and become final. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated October 7, 2005, reference 05, is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

mdm\kjlw