

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY B HOWARD
Claimant

APPEAL NO. 10A-UI-13499-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

OC: 08/15/10
Claimant: Appellant (1)

871 IAC 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 21, 2010, reference 07, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 10, 2010. Employer participated by Vicky Matthias, Senior Staffing Consultant. Claimant failed to respond to the hearing notice and did not participate. Exhibits One and A were admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 24, 2010.

Claimant quit on May 25, 2010 by employer because she did not call in or report for work.

This matter was adjudicated in a decision dated June 15, 2010, and by appeal number 10A-EUCU-00520-BT.

REASONING AND CONCLUSIONS OF LAW:

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 June 15, 2010 reference 04. The bureau is without authority to rehear this matter as a decision was issued on the merits and is final. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated September 21, 2010, reference 07, is affirmed. This matter is moot as the issue was previously adjudicated.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs