

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**EVAN SMOOT**  
Claimant

**JOHN DEERE COMPANY**  
Employer

**APPEAL 21A-UI-22013-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/22/21  
Claimant: Respondent (1R)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights  
Iowa Admin. Code r. 871-24.28 – Previous Adjudication

**STATEMENT OF THE CASE:**

The employer/appellant filed an appeal from the September 20, 2021 (reference 01) unemployment insurance decision that found the claimant was eligible for regular unemployment insurance benefits funded by the State of Iowa following his discharge from work. The parties were properly notified of the hearing. A telephone hearing was held on December 17, 2021. The claimant participated personally. The employer participated through witnesses Michael Lane and Edward Johnson. The administrative law judge took official notice of the claimant's administrative records. The hearing was consolidated with Appeal No. 21A-UI-22012-DB-T.

**ISSUE:**

Was the separation adjudicated in a prior claim year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: An unemployment insurance benefits decision that found the claimant was eligible for benefits following a discharge from work was issued on September 9, 2021 (reference 01) for the claimant's August 23, 2020 benefit year. The claimant filed another claim for benefits with an effective date of August 22, 2021. The previous adjudication regarding the claimant's separation from employment was appealed and that allowance decision was affirmed in Appeal No. 21A-UI-22012-DB-T.

Claimant was in treatment for significant periods, including in-patient and out-patient treatment, which restricted his ability to work on a full-time basis. The issue of whether the claimant was able to and available for work effective August 22, 2021 and continuing will be remanded to the Benefits Bureau for an initial investigation and determination.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of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.

Iowa Admin. Code r. 871-24.19(1) provides:

Determination and review of benefit rights.

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. Such notice to the claimant shall advise of the weekly benefit amount, duration of benefits, wage records, other data pertinent to benefit rights, and if disqualified, the time of and reason for such disqualification. If a claimant is ineligible, such claimant shall be advised of such ineligibility and the reason therefor. Each notice of benefit determination which the department is required to furnish to the claimant shall, in addition to stating the decision and its reasons, include a notice specifying the claimant's appeal rights. The notice of appeal rights shall state clearly the place and manner of taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any such other 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.

Iowa Admin. Code r. 871-24.28(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.

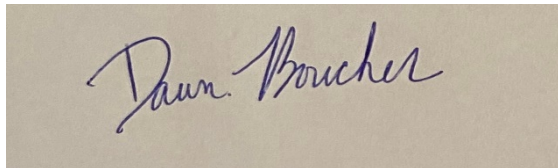
No disqualification is imposed if a decision on this same separation has been made on a prior claim by a representative of the department and such decision has become final. Iowa Admin. Code r. 871-24.28(6-8) and Iowa Admin. Code r. 871-24.19(1). Because the separation issue presented was resolved in a prior claim year, the current decision, referring to the same separation from employment, is affirmed.

**DECISION:**

The September 20, 2021 (reference 01) unemployment insurance benefits decision is affirmed. The claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided the claimant remained otherwise eligible.

**REMAND:**

The issue of whether the claimant has been able to and available for work effective August 22, 2021 is remanded to the Benefits Bureau for an initial investigation and determination.



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Dawn Boucher  
Administrative Law Judge

December 29, 2021  
Decision Dated and Mailed

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