

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**NICOLE J HOGAN**  
Claimant

**EMERALD GREEN LAWN CARE INC**  
Employer

**APPEAL 21A-UI-17185-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/02/21  
Claimant: Respondent (1)**

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(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The employer filed an appeal from the August 6, 2021, (reference 01) decision that allowed benefits. That issue was adjudicated by a claims decision dated July 20, 2021 and affirmed by an administrative law judge decision in appeal number 21A-UI-17184-DG-T. After due notice was issued, a hearing was held by telephone conference call on September 29, 2021. Claimant did not participate. Employer participated through Jeff Pickel, Owner.

**ISSUE:**

Was the issue adjudicated in a prior Administrative Law Judge's decision?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior administrative law judge's decision in appeal number 21A-UI-17184-DG-T and that decision has become final.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior administrative law judge's decision in appeal number 21A-UI-17184-DG-T and that decision has become 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.

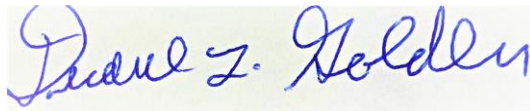
Iowa Admin. Code r. 871-24.19(1) provides:

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. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such 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.

The issue presented was resolved in a prior administrative law judge's decision in appeal number 21A-UI-17184-DG-T (reference 02). That decision has become final.

**DECISION:**

The August 6, 2021, (reference 01) decision is affirmed. The prior administrative law judge's decision on the separation remains in effect.



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Duane L. Golden  
Administrative Law Judge

October 14, 2021  
Decision Dated and Mailed